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· READINGS IN THE  
HISTORY OF THE  
AMERICAN NATION

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**NEW YORK**

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# READINGS IN THE HISTORY OF THE AMERICAN NATION

COLLECTED AND EDITED

BY

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## PREFACE

It is now common in all schools to require pupils to prepare papers on assigned topics or to do a certain amount of reading in addition to the lesson in the text-book. There appears to be no difference of opinion among teachers concerning the value of this collateral reading and study: it releases the pupil from bondage to the text, widens his view, and gives him training in the handling of material. There are often, however, difficulties in obtaining books to be used in this way, and it is especially difficult to get books covering a large portion of the field; moreover, even when a school is provided with a reference library, the illustrative material is not always found without unreasonable effort. This volume of selections is not offered in expectation that it will entirely take the place of the school library in American history, but with the hopes that it will be of service where schools are not possessed of reference books and that in any case the selections will wisely amplify and illuminate the text-book and will make it possible to require a certain amount of work outside the text without placing unnecessarily heavy burdens on the pupil. Even if these selections are not used as the basis of definite oral or written reports, the pupils will, it is to be hoped, find them interesting and readable.

This volume does not pretend to be a thoroughly balanced presentation of materials on American history, a volume in which each portion of the field receives its just and adequate share of attention; such a thoroughly balanced volume may be desirable, but a book like this, intended to be used in connection with a text-book, rather than independently, need not be so formidable in its content or so precise in its disposition of space. In making the selections I have been influenced by several considerations: first, by the desire to include things that are really interesting and at the same time give significant information; second, by the desire to give ample opportunity for reading of industrial conditions and developments

in American history, because there is an increasing interest in such matters and because they cannot generally be adequately presented in a text-book without unduly limiting the story of political events; third, by the intention of giving materials which will illustrate critical movements or changes in political organization and especially the movements of very recent times—such movements as those for direct primaries, the initiative, and the referendum.

I owe my thanks and acknowledgments to a number of publishing houses who have allowed me to use portions of books or articles protected by copyright. The names of the publishers are given in connection with the excerpts in the body of the book and are again given in the table of contents. I therefore content myself here with a general word of appreciation of the courtesy.

I wish, also, to thank Dr. Theodore C. Pease for his efficient assistance in the preparation of the volume.

A. C. McLAUGHLIN.

CHICAGO.



# CONTENTS

## PART I

### THE COLONIES

CHAPTER		PAGE
I	THE ENGLISH SETTLER AND THE AMERICAN WILDERNESS Edward Eggleston: <i>The Transit of Civilization</i> , pp. 126-127. D. Appleton & Co., New York, 1901.	1
II	THE APPALACHIAN BARRIER N. S. Shaler: <i>Nature and Man in America</i> , pp. 194-5. Charles Scribner's Sons, New York, 1893.	2
III	THE PROBLEM OF THE ENGLISH POOR Edward Eggleston: <i>The Transit of Civilization</i> , pp. 293-295, <i>passim</i> .	5
IV	THE FIRST LEGISLATIVE ASSEMBLY IN AMERICA William Wirt Henry: <i>The First Legislative Assembly in America</i> , in <i>Report of American Historical Association</i> , 1893, pp. 302-304; 309-10; 314.	7
V	THE PILGRIM COUNTRY Edward Eggleston: <i>The Beginners of a Nation</i> , pp. 149-157. D. Appleton & Co., New York, 1896.	12
VI	WITCHCRAFT Edward Eggleston. <i>The Transit of Civilization</i> , pp. 25-34.	19
VII	COLONIAL SCHOOLS AND A COLONIAL COLLEGE Edward Eggleston. <i>The Transit of Civilization</i> , pp. 239, 249.	26
VIII	THE LIFE AND HOME OF A COLONIAL PLANTER Kate M. Rowland: <i>The Life of George Mason</i> , pp. 98-102. G. P. Putnam's Sons, New York and London, 1892.	30
IX	THE NEW ENGLAND TOWN Timothy Dwight, S.T.D., LL.D., Late President of Yale College: <i>Travels in New-England and New-York</i> , Vol. I, pp. 248-252. New Haven, 1821.	36

## PART II

## THE REVOLUTION AND THE CONSTITUTION

CHAPTER	PAGE
X CAUSES OF THE AMERICAN REVOLUTION . . . . .	42
W. E. H. Lecky: <i>The American Revolution, 1762-1783. Being the Chapters and Passages Relating to America from the Author's History of England in the Eighteenth Century.</i> Arranged and Edited by J. A. Woodburn, pp. 51-56, 75-79. D. Appleton & Co., New York, 1898.	
XI TAXATION AND REPRESENTATION . . . . .	51
<i>The Parliamentary History of England, Vol. XVI, pp. 98 ff. London, 1813.</i>	
XII THE LOYALISTS IN THE AMERICAN REVOLUTION . . . . .	57
M. C. Tyler: <i>The Loyalists in the American Revolution, in the American Historical Review, 1896, Vol. I, pp. 27-31.</i>	
XIII THE UNITED STATES AFTER THE REVOLUTION . . . . .	61
J. P. Brissot de Warville: <i>New Travels in the United States of America Performed in 1788.</i> Second Edition, Vol. I, pp. 97-102, 128-132, 266-270, 384-386. London, 1794.	
XIV HOW THE FRAMERS OF THE CONSTITUTION TRAVELED . . . . .	70
<i>Massachusetts Spy, or the Worcester Gazette, January 5, 1786. Reprinted in A Century of Population Growth, Bureau of the Census, 1909, p. 22.</i>	
XV HOW THE DEFECTS OF THE FEDERAL UNION MAY BE REMEDIED . . . . .	71
<i>The Federalist, Edited by Henry B. Dawson, Vol. I, pp. 91-100. New York, 1863.</i>	
XVI THE FEDERAL CONVENTION, 1787 . . . . .	79
<i>Debates on the Adoption of the Federal Constitution, by James Madison. Revised and Newly Arranged by Jonathan Elliot, pp. 120-122; 554-5; 565. Washington, 1845.</i>	
XVII THE FRAMERS OF THE CONSTITUTION . . . . .	87
<i>Notes of Major William Pierce on the Federal Convention of 1787, in the American Historical Review, 1897-8. Vol. III, pp. 325 ff.</i>	
XVIII THE CONSTITUTION . . . . .	93
A description of its contents and its interpretation by the Editor.	

# CONTENTS

ix

## PART III

### THE NEW GOVERNMENT

CHAPTER		PAGE
XIX	HAMILTON ON THE CONSTRUCTION OF THE CONSTITUTION <i>Works of Hamilton</i> , J. C. Hamilton, Editor, Vol. IV, pp. 106, ff. New York, 1851.	103
XX	JEFFERSONIAN DEMOCRACY <i>Journal of the Senate</i> , 6th Congress, 2d Session, pp. 141-147. March 4, 1801.	107
XXI	HOW THE EMBARGO WAS ENFORCED AND EVADED J. B. McMaster: <i>History of the People of the United States</i> , Vol. III, pp. 279-307, <i>passim</i> . D. Appleton & Co., New York, 1892.	113
XXII	THE CAUCUS OF 1824 <i>Niles' Register</i> , Vol. XXV, pp. 137-8. November 1, 1823.	122

## PART IV

### THE NEW WEST

XXIII	COLONIZATION OF THE WEST Frederick J. Turner: <i>The Colonization of the West, 1820-1830</i> , in the <i>American Historical Review</i> , 1905-6, Vol. XI, pp. 303-327, <i>passim</i> .	128
XXIV	THE OHIO VALLEY IN 1817 Morris Birkbeck: <i>Notes on a Journey in America</i> , 2d Edition, pp. 69-71, 80-82, 89-92, 103-105, London, 1818; and John Woods: <i>Two Years' Residence . . . in the Illinois Country</i> , pp. 267- 270. London, 1822.	140
XXV	THE COMMERCE OF THE MISSISSIPPI <i>Report on Internal Commerce of the United States, 1887</i> , pp. 199, 205, 214-15. 50th Congress, 1st Session, <i>House Executive Documents</i> , No. 6, Part II, Vol. 20.	147
XXVI	THE REAPER R. G. Thwaites: <i>Cyrus Hall McCormick</i> , in <i>Proceedings of the Wisconsin Historical Society</i> , 1908, pp. 234-259, <i>passim</i> .	153
XXVII	SLAVERY IN THE NEW SOUTHWEST Susan Dabney Smedes: <i>A Southern Planter</i> , pp. 7-15; 29-30. London, 1889.	160
XXVIII	AN ENGLISHMAN ON AMERICAN TRAVEL Capt. Marryat: <i>Second Series of a Diary in</i>	164

*America*, pp. 3-5, 7-8, 9-10, 32-33. Collins, Philadelphia, 1840.

- XXIX THE DEVELOPMENT OF TRANSPORTATION ON WESTERN RIVERS . . . 169  
 Michel Chevalier: *Society, Manners and Politics in the United States*, pp. 214-216. Translation. Boston, 1839.

## PART V

## THE MOVEMENT TO THE FAR WEST

- XXX THE SANTA FÉ TRADE . . . 173  
 J. Gregg: *Commerce of the Prairies*, Vol. I, pp. 32-39, 44-46, 62, 91-93, 109-114, 226-7, 232. H. G. Langley, New York, 1844.
- XXXI THE OREGON TRAIL . . . 182  
 Francis Parkman: *The Oregon Trail*, pp. 1-6, 36, 51-54. Little, Brown and Co., New York, 1893.
- XXXII CALIFORNIA IN 1849 . . . 190  
 Frank Soulé and Others: *The Annals of San Francisco*, pp. 201-204, 209-217, *passim*. D. Appleton & Co., New York, 1855.

## PART VI

## SLAVERY AND ABOLITION

- XXXIII GARRISONIAN ABOLITIONISM . . . 199  
 A.—Slavery a Positive Evil, *The Liberator*, Vol. I, p. 1.  
 B.—Slavery and the Constitution, *The Liberator*, Vol. XIV, p. 86.  
 C.—Burning the Constitution, *The Liberator*, Vol. XXIV, p. 106. July 4, 1854.
- XXXIV SLAVERY A POSITIVE GOOD . . . 206  
 R. K. Crallé: *Speeches of John C. Calhoun*, Vol. II, pp. 626-633. D. Appleton & Co., New York, 1853.
- XXXV JOHN QUINCY ADAMS ON SLAVERY . . . 212  
*Memoirs of John Quincy Adams*, Vol. IX, p. 255; Vol. X, p. 453. J. B. Lippincott Co., Philadelphia, 1874.
- XXXVI A FAVORABLE VIEW OF THE SLAVE SYSTEM . . . 215  
 Susan Dabney Smedes: *A Southern Planter*, pp. 31-32. London, 1889.

# CONTENTS

xi

CHAPTER	PAGE
XXXVII A NORTHERNER'S VIEW OF SLAVERY . . . . .	216
F. L. Olmsted: <i>The Cotton Kingdom</i> , Vol. I, pp. 8-16, 100, 233-46; Vol. II, pp. 176-179. Mason Brothers, New York, 1861.	
XXXVIII CONGRESSIONAL LEGISLATION ON SLAVERY . . . . .	229
A.—The Missouri Compromise, <i>U. S. Statutes at Large</i> , Vol. III, pp. 545, 548.	
B.—Extracts from the Report of the Committee of Thirteen, <i>Senate Report</i> 123, 31st Congress, 1st Session, p. 11.	
C.—An Act to Establish a Territorial Government for Utah, <i>U. S. Statutes at Large</i> , Vol. IX, p. 453.	
D.—Texas and New Mexico, <i>U. S. Statutes at Large</i> , Vol. IX, pp. 446-447.	
E.—An Act to Suppress the Slave Trade in the District of Columbia, <i>U. S. Statutes at Large</i> , Vol. IX, pp. 467-8.	
F.—The Fugitive Slave Law, <i>U. S. Statutes at Large</i> , Vol. IX, pp. 463-465.	
G.—An Act to Organize the Territories of Nebraska and Kansas. <i>U. S. Statutes at Large</i> , Vol. X, pp. 277 ff.	

## PART VII

### THE EVE OF THE CIVIL WAR

XXXIX CALHOUN'S LAST SPEECH . . . . .	242
<i>Works of Calhoun</i> , Vol. IV, pp. 542-573. D. Appleton & Co., New York, 1854.	
XL THE NORTHWEST FORMS A NEW PARTY . . . . .	254
A. C. McLaughlin: <i>Lewis Cass in the American Statesmen Series</i> , Vol. XXIV, pp. 300-323. Houghton Mifflin Co., 1899.	
XLI "A HOUSE DIVIDED AGAINST ITSELF CANNOT STAND" . . . . .	263
<i>Political Debates Between Hon. Abraham Lincoln and Hon. Stephen A. Douglas</i> , pp. 1, ff. Columbus, Ohio, 1860.	
XLII SLAVERY AS A MORAL ISSUE . . . . .	268
<i>The Lincoln-Douglas Debates of 1858</i> , pp. 481-486, Vol. III of the <i>Collections of the Illinois State Historical Library</i> , Edwin E. Sparks, Editor. Springfield, Illinois, 1908.	
XLIII ABRAHAM LINCOLN . . . . .	274
A.—Lincoln's Character. H. von Holst: <i>Constitutional and Political History of the United States</i> , Vol. VI, pp. 269-278. Callaghan and Co., Chicago, 1889.	

- B.—Lincoln's First Inaugural Address. Frank Moore: *Rebellion Record*, Vol. I, *Documents*, pp. 36-39. New York, 1867.
- XLIV JEFFERSON DAVIS'S INAUGURAL . . . . . 289  
 Frank Moore: *Rebellion Record*, Vol. I, *Documents*, pp. 31, 32. New York, 1867.

## PART VIII

## THE CIVIL WAR

- XLV THE EMANCIPATION PROCLAMATION . . . . . 292  
*Diary of Gideon Welles*, Vol. I, pp. 142, 143. Houghton Mifflin Co., Boston, 1911.
- XLVI THE SOUTHERN ARMY . . . . . 294  
 George Cary Eggleston: *A Rebel's Recollections*, pp. 31-53, *passim*. G. P. Putnam's Sons, New York and London, 1875.
- XLVII WHEN MONEY WAS EASY . . . . . 299  
 George Cary Eggleston: *A Rebel's Recollections*, pp. 77-95, *passim*.

## PART IX

## RECONSTRUCTION

- XLVIII THE DOMINANT THEORY OF RECONSTRUCTION . . . 304  
*Congressional Globe*, December 18, 1865, pp. 73-74. 39th Congress, 1st Session; and *Congressional Globe*, January 3, 1867, p. 252, 39th Congress, 2d Session.
- XLIX THE FREEDMAN'S BUREAU . . . . . 308  
*House Executive Documents*, No. 70, 39th Congress, 1st Session, p. 154; and *Affairs in the Late Insurrectionary States*, Vol. I, pp. 441-2, 42d Congress, 2d Session, *Senate Report* 41, Part I.
- L SOUTHERN GOVERNMENT UNDER RECONSTRUCTION . 312  
 A.—Election to the Alabama Convention of 1868. *Affairs in the Late Insurrectionary States*, "Alabama Testimony," Vol. III, p. 1832. *Senate Reports*, 42d Congress, 2d Session, 1871-72.  
 B.—Painted Pegs. *Affairs in the Late Insurrectionary States*, "Alabama Testimony," p. 314, *Senate Reports*, 42d Congress, 2d Session, 1871-72.  
 C—A Negro Legislature. J. S. Pike: *The*

# CONTENTS

xiii

## CHAPTER

PAGE

- Prostrate State*, pp. 12-21, *passim*. D. Appleton and Co., New York, 1874.
- LI A SPECIMEN OF THE CARPET-BAGGER AND HIS MIS-  
GOVERNMENT . . . . . 316  
A.—Governor Warmoth of Louisiana. *House Report*, No. 92, p. 24, 42d Congress, 2d Session, 1872.  
B.—The Increase of State Expenditures. H. A. Herbert and Others, *Why the Solid South?* p. 403. R. H. Woodward and Co., Baltimore, 1890.
- LII SOCIAL CONDITIONS DURING RECONSTRUCTION . . . 320  
Charles Nordhoff: *The Cotton States in the Spring and Summer of 1875*, pp. 17-18, 55, 78, 96. D. Appleton and Co., New York, 1876.
- LIII THE SOUTHERN NEGRO AFTER EMANCIPATION . . . 322  
Robert Somers: *The Southern States Since the War*, pp. 128-9. New York, 1871.
- LIV THE KU KLUX KLAN . . . . . 324  
*Senate Reports*, No. 1, p. 2, 42d Congress, 1st Session, 1871.

## PART X

### THE CATTLE INDUSTRY AND AGRICULTURE SINCE THE WAR

- LV CATTLE DAYS IN THE WEST . . . . . 327  
C. M. Harger: *Cattle Trails of the Prairies*, in *Scribner's Magazine*, 1892, Vol. XI, pp. 732-742; and W. Baillie Grohman: *Cattle Ranches in the Far West*, in the *Fortnightly Review*, 1880, Vol. XXXIV, pp. 441 ff.
- LVI A LATE PHASE OF THE SETTLEMENT OF THE WEST 336  
The Opening of an Indian Reservation. William R. Draper in *Harper's Weekly*, August 10, 1901, Vol. XLV, p. 805.
- LVII THE AGRICULTURAL DEVELOPMENT AND PROGRESS OF  
THE NATION . . . . . 340  
H. de B. Gibbins: *Economic and Industrial Progress of the Century*, pp. 405 ff. Bradley-Garretson Co., Brantford, Ontario, 1903; and C. H. Cochrane: *Modern Industrial Progress*, pp. 209 ff. J. B. Lippincott Co., Philadelphia, 1904.

## PART XI

## INDUSTRIAL PROGRESS AND ORGANIZATION

CHAPTER	PAGE
LVIII GENERAL INDUSTRIAL PROGRESS OF THE COUNTRY . . .	354
H. de B. Gibbins: <i>Economic and Industrial Progress of the Century</i> , pp. 453 ff. Bradley-Garretson Co., Brantford, Ontario, 1903.	
LIX HOW A BIG MODERN BUSINESS IS ORGANIZED . . .	362
E. S. Meade: <i>Trust Finance</i> , pp. 198-211. D. Appleton and Co., New York, 1903.	
LX CAUSES OF TRUSTS . . .	369
<i>Report of the Industrial Commission</i> , Vol. XIII, pp. v-vii. Government Printing Office, Washington, 1901.	

## PART XII

## NATIONAL PROBLEMS

LXI GREAT WEALTH AND DISCONTENT . . .	373
H. T. Peck: <i>Twenty Years of the Republic</i> , p. 724. Dodd, Mead and Co., New York, 1907.	
LXII IMMIGRATION . . .	376
J. H. Latané: <i>America as a World Power</i> , pp. 285 ff. Harper and Brothers, New York, 1907.	
LXIII THE CITY . . .	379
F. C. Howe: <i>The City the Hope of Democracy</i> , pp. 9-18; 280-288, <i>passim</i> . Charles Scribner's Sons, New York, 1905.	
LXIV THE DIRECT PRIMARY . . .	385
Iva Croß: <i>Direct Primaries in The Arena</i> , Vol. XXXV, p. 587, June, 1906. Published in <i>The Primer of Direct Legislation</i> , by Wm. H. Plunkett, Trenton, N. J.	
LXV INITIATIVE, REFERENDUM AND RECALL . . .	390
Jonathan Bourne, Jr.: <i>Popular Government in Oregon</i> , in <i>The Outlook</i> , 1910, Vol. XCVI, pp. 322-330, <i>passim</i> .	
LXVI A PRESIDENTIAL CAMPAIGN . . .	393
W. B. Shaw: <i>Methods and Tactics of the Campaign in the Review of Reviews</i> , Vol. XIV, pp. 554-559 <i>passim</i> . New York, 1896.	
LXVII PUBLICITY OF CAMPAIGN CONTRIBUTIONS . . .	398
R. C. Brooks: <i>Corruption in American Politics and Life</i> , pp. 233-237. Dodd, Mead and Co., New York, 1910.	



# CONTENTS

xv

CHAPTER	PAGE
<b>LXVIII</b> CORRUPT PRACTICE LEGISLATION . . . . .	400
S. Gale Lowrie: <i>Corrupt Practices at Elections</i> in <i>American Political Science Review</i> , 1911, Vol. V, pp. 236 ff.	
<b>LXIX</b> THE UNITED STATES AMENDED CORRUPT PRACTICE ACT . . . . .	405
<i>Statutes of the United States</i> , 62d Congress, 1st Session, pp. 25-29.	
<b>LXX</b> THE INAUGURAL ADDRESS OF PRESIDENT WOODROW WILSON, MARCH 4, 1913 . . . . .	408



# READINGS IN THE HISTORY OF THE AMERICAN NATION

## PART I

### THE COLONIES

#### I

#### THE ENGLISH SETTLER AND THE AMERICAN WILDERNESS

Love of Nature in its wilder forms was not common to men of the seventeenth century, whether in Europe or America, and it is not strange, therefore, that we do not find the early settlers given up to admiring the forests or appreciating the beauties of the untamed wilderness. The following extract gives us some idea of how the settlers were affected by their surroundings.

If there had been any love of Nature in the seventeenth century, American settlers would have shown some appreciation of its aspects in a new world. But the prevailing sentiment of the time was that Nature had long been steadily deteriorating, and that the everlasting frame of the universe was in a state of rack and decay. For the sublime in external Nature there was no taste. An accomplished English traveler in 1621 describes the "hideous" Alps, which he had crossed, as "uncouth, huge, monstrous excrescences of Nature." This, we may suppose, represents the sentiment of English settlers toward the grand primeval wilderness about them. "Uncouth" is Captain John Smith's only epithet for the picturesque wilderness trails through which he marched; and George Sandys, though a poet, never

seems to look upon the wilderness except as an obstruction and an enemy. The colonial verse writer does not suffer any intrusion into his meditations of the overawing effects of Nature, primitive and unsubdued, as he encountered it. What contemplation there is in the books and letters of the time expends itself on the supernatural, or revels in the merely grewsome.

This "uncouth, huge, monstrous" wilderness puts its thumb mark on the character of the people otherwise than by contemplation. They grew up in the earlier generations woodsmen. Distinctively English characteristics fell away from them. The exigencies of a new country made them quick-witted and shift. The dignity and repose of bearing that belong to a fixed position in an older civilization were lost, for the time at least. The American was pushing, aggressive, inquisitive. He was also more open-minded than his ancestors; a change of circumstances broke up the conservative crust of centuries of English life. The "go" of a new country came into the new life and a hundred years after the early settlement of the colonies an English clergyman in Virginia sketches the American as we have known him — nimble-witted, but less patient and profound than the Englishman.

Edward Eggleston: *The Transit of Civilization*, pp. 126-127. D. Appleton & Co., New York, 1901.

#### QUESTIONS

Why was the seventeenth century Englishman left unimpressed by the beauty of the American wilderness? With what feelings did he regard it? How did a few generations of life on the American frontier, near the wilderness, affect the settler mentally?

## II

### THE APPALACHIAN BARRIER

The English settlements for a century and a half clustered close to tide water, while the French traversed the St. Law-

rence and Mississippi valleys from end to end and linked their settlements at Quebec and New Orleans with scattered villages in Illinois. The St. Lawrence River and the Great Lakes, and the Mississippi with its tributaries each in turn invited the canoe of the French explorer and adventurer, while the Appalachians repelled the English pioneer. A vivid mental picture of the physical difficulties of crossing the mountains is necessary to an intelligent understanding of the history of the English colonies.

It is difficult, in the present state of our control over this continent, to conceive the importance which lies in the facts concerning the original sites of the French and English settlements on the American shore. We now traverse this land in every direction with perfect ease; as for the mountain barriers of the Appalachians, with their great forests and unnavigable streams, they now demand but a ton or two of coal to carry in one railway train a greater population than was ever at one time before the beginning of the eighteenth century imported to our coast. In those old days the Appalachian system of mountains constituted a really impassable zone extending from Georgia to the far north, broken only at one point by a navigable waterway and the great valley it occupies, the St. Lawrence basin and river. It is true that the Hudson in its principal tributary, the Mohawk, in a fashion divides the Appalachian axis, but it opens no pathway into the Mississippi Valley. The Mohawk is unnavigable, and the region about its headwaters contained, perhaps, the densest part of the Indian population north of the Ohio, composed of very vigorous and combative tribes.<sup>1</sup>

Although the Appalachians have peaks of no great height, their ranges are singularly continuous, and the passes formed by the streams in the numerous wall-like ridges

---

<sup>1</sup> The famous Iroquois Confederacy. The English regarded them as uncertain friends whose friendship was not to be in any way presumed on. The French dread of them is evidenced by the wide berth their explorers gave to the upper Ohio Valley till well into the eighteenth century.

afforded in early days no natural ways whatever. From Maine to Alabama the woods were unbroken and impassable. This great Appalachian forest was, in primitive days, an exceedingly dense tangle. At a few points the aborigines had worn narrow footways through it; but these trails were not adapted to pack animals, the original means of transportation brought by the Europeans, but were for the use of men who journeyed on foot, and could thus climb steeps inaccessible to a burdened beast. To add to the difficulties of the country, a large part of the district from central Pennsylvania northward was boulder strewn, affording no footing for horses. Even in the present state of New England, where the superficial layer of glacial erratics has been to a great extent cleared away, it is easy to conceive how impassable the surface must have been in early times. It required a century of enterprising, unrecorded labor to open the paths across the stony and swampy fields of New England to the valley of the Hudson. The undergrowth of this forest country is far more dense than that which is commonly found in European lands. The shrubby plants and the species of smilax or green briar and other creeping vines, make most of our Appalachian forests very nearly impassable, even at the present day.

N. S. Shaler: *Nature and Man in America*, pp. 194-5. Charles Scribner's Sons, New York, 1893.

#### QUESTIONS

What is the configuration of the Appalachian barrier? Where is the only wide depression in the mountains south of Canada? Why was it not open to settlers in the eighteenth century? What is the nature of the Appalachian forest? How has glacial action made progress through the wild country north of central Pennsylvania difficult?

## III

## THE PROBLEM OF THE ENGLISH POOR

The development of sheep raising in the fifteenth and sixteenth centuries and the consequent use of plow land for pasturage and sheep-walks had thrown many agricultural laborers out of employment. There was, moreover, an industrial and social change going on in England, which was entering on her great career as a sea power with extensive foreign trade. In this time of transition, as small land holding was disappearing, laborers did not readily find their place in the industrial system, but prowled about we are told, "till the gallows did eat them." America offered an outlet, a chance for the unemployed. The facts of the existence of this class are summarized in the following extract. The New World from the beginning till now has been the place to which the poorer people of Europe have looked as a place where they might get on and up.

The problem of England in the days of James I was how to be rid of its poor. They had, many of them, been turned out of a living by the inclosure of commons in the mania for sheep husbandry, and some of them had had the villages pulled down about their ears. They were sent a-wandering, living as they could live by hook or by crook. Necessity made many of them rogues, and the desire to have done with rogues was so intense that England hanged its thieves out of hand. Henry VIII thought to be rid of such vermin of society, and he hanged, if we may believe Harrison, two and seventy thousand, including "great theeves, pettie theeves and roges." In Elizabeth's reign three or four hundred felons were eaten up annually by the gallows, and James I merrily carried on the work of extermination; one reads of "twenty hanged up at a clap," in one place. But the vagabonds did not grow fewer.

Recent serfdom had left its mark on the poor man. He had been freed, not from benevolence, nor from any motive

having regard to the personality of the serf. Wickliffe and others had taught that it was meritorious to free a man from bondage who was a Christian—that is, who had been baptized. This scruple fitted to the churchly conscience of the age; it grew more and more exigent. “We think it pious and meritorious with God to make certain persons absolutely free from the yoke of servitude who are at present under villenage to us,” said Henry VIII. Elizabeth and James, less scrupulous on this point, proposed to sell to those whose blood was tainted with slavery the privileges of freedom. It was not till the eighteenth century had dawned that Chamberlayne’s *State of England*, an annual publication, could drop its set phrase, “but few now in England,” and say, “Now slavery is entirely thrown away and every Servant Man or Woman are properly hired Servants.” But the habit of regarding the peasant as a recent serf had its influence in the treatment of him.

The “spirit,” who was later called a crimp, was on the watch for him. Did they need more soldiers in Flanders? The spirit, by means best known to himself, packed off the poor man to Flanders. He was equally ready to ship him to any other country for a reward. The Virginia colony began to ask for people. The wilderness was hungry for laborers. The spirit shipped little children by the score down the Thames and off for America. Parents followed the vessels all the way to Gravesend, but the law would not help them; Virginia wanted laborers. Sometimes a parent could pay enough to get the lad released. Men were carried also to that abode of hopelessness. From the first there were two general classes: free apprentices, and convicts mostly for petty crimes. “Apprentices,” says Chamberlayne, “are a sort of servant that carry the mask of Pure villains or Bond slaves, differing however in that Apprentices are slaves only for a term and by covenant.”

Edward Eggleston: *The Transit of Civilization*, pp. 293-295, *passim*.



## QUESTIONS

How had the numbers of the English poor been increased? How were they dealt with by the government? How did the presence of serfdom in England account for the presence of the poor? How did the "spirits" prey on this class in the community?

## IV

## THE FIRST LEGISLATIVE ASSEMBLY IN AMERICA

This assembly was called by virtue of an order to that effect passed by the Virginia Company in London. It was not at the beginning recognized or authorized by the King; the right to make laws was the gift of the Company. The striking thing about the assembly as here described, is the readiness it showed and the capacity to perform its duties, as well as the orderliness with which it worked.

The English colonists who first settled in America at Jamestown brought with them, by their charter, all the rights of Englishmen. But local self-government<sup>1</sup> was not accorded to the Virginians at first. They suffered great hardships for twelve years under what resembled a military government, until the year 1619, when the colony was deemed sufficiently grown to warrant an assembly. In that year Sir George Yeardley arrived with the commission of governor-general from the London Company, which had planted and governed the colony. Among his instructions was one, also called a commission, that brought joy to the hearts of the colonists. It was, as they described it, "that they might have a hande in the governinge of themselves, it was granted that a general assemblie should be helde yearly once, whereat were to be present the Gov<sup>r</sup>. and Counsell, with two Burgesses from each plantation freely to be elected by the inhabitants thereof; this Assembly have power to make and ordaine whatsoever laws and

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<sup>1</sup> The right to govern the colony themselves.

orders should by them be thought good and proffittable for our subsistance.”

This commission, the real Magna Charta of Virginia, was issued in London, the 28th of November, 1618. That night a flaming comet appeared in the heavens, which was considered then an ill omen, but which might more properly have been taken as a heavenly recognition of the great boon which had been bestowed on America. The comet was visible till the 26th of December, and the prevailing superstition prevented the sailing of Governor Yeardley till it was safely departed. He, therefore, sailed with his commission and instructions the 29th of January, 1619, more than a year before the sailing of the Pilgrims.

In accordance with this commission, in June Governor Yeardley sent his summons all over the country, as well to invite those of the Council of State that were absent, as for the election of two burgesses from each of the plantations, to meet at Jamestown on the 30th of July, 1619. (O. S.) As this was the first legislative assembly which met in America, antedating by fifteen years the assembly of any other colony,<sup>2</sup> and was the beginning of the free institutions which we now enjoy, I have thought it would be of interest to give some account of it and of its proceedings.

The place of meeting was the Episcopal Church, a wooden building 60 feet long and 24 wide. Its communion table was of black walnut; its pulpit, chancel, and pews, of cedar. It had handsome wide windows, also made of cedar, which could be shut and opened according to the weather. A green velvet chair was placed in the choir, in which the governor sat. The building was so constructed as to be very light within, and we are told that the governor caused it to be kept “passing sweet and trimmed up with divers flowers.” The native Virginia flowers in season were doubtless used. There might be

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<sup>2</sup> But business was transacted in the assembly of the men of Plymouth Colony long before the fifteen years had passed.

seen festoons of the trumpet creeper, with its splendid scarlet flower, mingled with sweet-smelling white honeysuckle and clematis, some of the latter with beautiful white clusters, and others with lovely bell-shaped leathery flowers, cream colored and touched with purple; while the pulpit and communion table were decked with pink sweetbrier and swamp roses, and red swamp lilies.

On the memorable morning of the 30th of July, 1619, the governor went in state to the church. He was accompanied by the councilors and officers of the colony, with a guard of halberdiers dressed in the governor's livery. Behind them walked, with becoming dignity, the 22 newly elected burgesses.

In the contemporaneous account sent to England by the speaker, we are told: "The most convenient place we could finde to sitt in was the Quire<sup>3</sup> of the Church, where Sir George Yeardley, the Governour, being sett down in his accustomed place, those of the Counsel of Estate sate nexte him on both handes, excepte only the Secretary, then appointed Speaker, who sate right before him, John Twine, Clerke of the General Assembly, being placed nexte the Speaker, and Thomas Pierse, the Sergeant, standing at the barre, to be ready for any service the Assembly shoulde command him. But forasmuche as men's affaires doe little prosper where God's service is neglected, all the Burgesses tooke their places in the Quire till a prayer was said by Mr. Bucke, the minister, that it would please God to guide and sanctifie all our proceedings to his owne glory, and the good of his plantation. Prayer being ended, to the intente that as we had begun at God Almighty, so we might proceed with awful and due respecte towards the Lieutenant, our most gracious and dread Sovereigne, all the Burgesses were intreated to retyre themselves into the body of the Churche, which being done, before they were freely admitted, they were called to order and by name, and so

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<sup>3</sup> Same as choir.

every man (none staggering at it) tooke the oathe of Supremacy,<sup>4</sup> and then entered the Assembly." . . .

When we look at the acts of this body we are struck with their just conception of their rights as an assembly. They asserted the right to judge of the election and return of their members, and, in its exercise, excluded the delegates sent from the plantation of Capt. John Martin, because, by the terms of his patent, he appeared to be exempt from the general form of government which had been given the colony; and, in addition, they petitioned the London Company that they would examine the patent of Capt. Martin, and "in case they shall finde anything in this, or in any other parte of his graunte whereby that clause towards the conclusion of the great charter (viz., that all grauntes, as well of the one sorte as of the other, respectively, be made with equal favour, and graunts of like liberties and immunities as neer as may be, to the ende that all complainte of partiality and indifferency may be avoided) might in any sorte be contradicted, or the uniformity and equality of lawes and orders extending over the whole Colony might be impeached; that they would be pleased to remove any such hindrance as may divert out of the true course the free and public current of Justice." Thus early did Virginia insist upon the equality of her citizens before the law, a principle inserted in her declaration of rights in 1776, when she became a State, in the provisions, "that no man or set of men are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services;" and, "that the people have a right to uniform government, and therefore that no government separate from or independent of the government of Virginia ought to be erected or established within the limits thereof."

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<sup>4</sup> Acknowledgment of the king as head of the English Church. Failure to receive it might have laid a man open to suspicion of Catholicism.

Having thus purged their roll, the assembly proceeded according to their speaker's report, as follows: "The Speaker, who a long time had been extreame sickly, and therefore not able to passe through long harangues, delivered in briefto the whole assembly the occasions of their meetings. Which done, he read unto them the commission for establishing the counsell of estate, and the general assembly, wherein their duties were described to the life. Having thus prepared them, he read over unto them the greate Charter, or commission of priviledges, orders, and lawes, sent by Sir George Yeardley out of Englande; which, for the more ease of the committees, having divided into fower books, he read the former two the same forenoon, for expeditions sake, a second time over, and so they were referred to the perusall of two committees, which did reciprocally consider of either, and accordingly brought in their opinions . . . in case we should finde ought not perfectly squaring with the state of this Colony, or any lawe which did presse or binde too harde, that we might, by waye of humble petition, seeke to have it redressed, especially because this great Charter is to binde us and our heyers forever."

Nothing can throw a clearer light on the state of the colony than the acts of this assembly; and in them we can discern the germs of the free institutions of the United States of to-day, germs which reappeared in the colonies subsequently planted. . . .

The question of the validity of the acts of the assembly, till they were disallowed by the authorities in England, was one which was unsettled in the year 1758, when the act passed which permitted debts contracted to be paid in tobacco to be solved in currency at a fixed rate, the resistance to which, by the clergy gave rise to the famous "Parson's cause." The power to disallow the orders of the London Company was a great stride in the direction of independent local government, and the promise of it by the London Company shows to what extent the spirit of liberty was

nourished in that celebrated body during the arbitrary reign of James the First, a fact that excited his hatred of the corporation and caused him to take from it its charter.

William Wirt Henry: *The First Legislative Assembly in America*, in *Report of American Historical Association*, 1893, pp. 302-304; 309-10; 314.

#### QUESTIONS

How was the first assembly of Virginia authorized? What powers was it to have? Describe the manner in which the different elements of the assembly were seated. How was its first meeting begun? Where was the assembly held? How did the assembly assert the right to judge of the qualifications of its members? In what sense did the assembly vindicate the equality of all citizens before the law? How far did the assembly claim the right of revising the great charter or body of laws?

### V

#### THE PILGRIM COUNTRY

The sketches of the characters and influence of Brewster and Robinson could not be bettered. The author's conclusion that the Pilgrim Fathers, before falling under the influence of Brewster and Robinson, were but common folk no more intelligent or inspired in their own generation than the Scrooby folk are to-day is assumed rather than proved. There is such a thing as the removal of the best and most intellectual families of a village by successive migrations. At any rate, even in the seventeenth century, uneducated Englishmen showed ability to assimilate new ideas very quickly. Robinson and Brewster perhaps supplied at the first the moral stamina that induced the Pilgrims to cling through thick and thin to their beliefs.

On the southern margin of Yorkshire the traveler alights to-day at the station of Bawtry. It is an uninteresting village, with a rustic inn. More than a mile to the southward, in Nottinghamshire, lies the pleasant but commonplace village of Scrooby. About a mile to the north

of Bawtry is Austerfield, a hamlet of brick villages crowded together along the road. It has a picturesque little church built in the Middle Ages, the walls of which are three feet thick. This church will seat more than a hundred people nowadays by the aid of a rather modern extension. In the seventeenth century it was smaller and there was no ceiling. Then one could see the rafters of the roof while shuddering with cold in the grotto-like interior. The country around is level and unpicturesque.

But one is here in the cradle of great religious movements. In Scrooby and in Austerfield were born the Pilgrims who made the first successful settlement in New England. A little to the east lies Gainsborough, from which migrated to Holland in 1606 the saintly Separatist, John Smyth, who gave form to a great Baptist movement of modern times. A few miles to the northeast of Bawtry, in Lincolnshire, lies Epworth, the nest from which the Wesleys issued more than a hundred years later to spread Methodism over the world. Religious zeal seems to have characterized this region even before the Reformation, for the country round about Scrooby was occupied at that time by a number of religious houses.

The little Austerfield church and the old church at Scrooby are the only picturesque or romantic elements of the environment, and on these churches the Pilgrims turned their backs as though they had been temples of Baal. In the single street of Austerfield the traveler meets the cottagers to-day and essays to talk with them. They are heavy and somewhat stolid, like most other rustic people in the north country, and an accent to which their ears are not accustomed amuses and puzzles them. No tradition of the Pilgrims lingers among them. They have never heard that anybody ever went out of Austerfield to do anything historical. They listen with a bovine surprise if you speak to them of this exodus, and they refer you to the old clerk of the parish, who will know all about it. The venerable clerk is a striking figure, not unlike that parish

clerk painted by Gainsborough. This oracle of the hamlet knows that Americans come here as on a pilgrimage, and he tells you that one of them, a descendant of Governor Bradford, offered a considerable sum for the disused stone font at which Bradford, the Pilgrim, was baptized. But the traveler turns away at length from the rustic folk of Austerfield and the beer-drinkers over their mugs in the inn at Bawtry, and the villagers at Scrooby, benumbed by that sense of utter commonplaceness which is left on the mind of the stranger by such an agricultural community. The Pilgrims, then, concerning whom poems have been written, and in whose honor orations without number have been made, were just common folk like these, trudging through wheat fields and along the muddy clay highways of the days of Elizabeth and James. They were just such men as these and they were not. They were such as these would be if they were vivified by enthusiasm. We may laugh at superfluous scruples in rustic minds, but none will smile at brave and stubborn loyalty to an idea when it produces such steadfast courage as that of the Pilgrims.

And yet when the traveler has resumed his journey, and recalls Scrooby and Bawtry and Austerfield, the stolid men and gossiping women, the narrow pursuits of the plowman and the reaper, and remembers the flat, naked, and depressing landscape, he is beset by the old skepticism about the coming of anything good out of Nazareth. Nor is he helped by remembering that at the time of Bradford's christening at the old stone font the inhabitants of Austerfield are said to have been "a most ignorant and licentious people," and that earlier in the same century John Leland speaks of "the meane townlet of Scrooby."

But Leland's description of the village suggests the influence that caused Scrooby and the wheat fields thereabout to send forth, in the beginning of the seventeenth century and of a new reign, men capable of courage and fortitude sufficient to make them memorable, and to make these three townlets places of pilgrimage in following centuries.



"In the meane townlet of Scrooby, I marked two things,"—it is Leland who writes,—"the parish church not big but very well builded; the second was a great manor-place, standing within a moat, and longing to the Archbishop of York." This large old manor-place he describes with its outer and inner court. In this manor-place, about half a century after Leland saw it, there lived William Brewster. He was a man of education who had been for a short time in residence at Cambridge; he had served as one of the under secretaries of state for years; had been intrusted beyond all others by Secretary Davison, his patron; and, when Elizabeth disgraced Davison in order to avoid responsibility for the death of Mary of Scotland, Brewster had been the one friend who clung to the fallen secretary as long as there was opportunity to do him service. Making no further effort to establish himself at court, Brewster went after a while "to live in the country in good esteeme amongst his friends and the good gentle-men of those parts, espetially the godly and religious." His abode after his retirement was the old manor-place now destroyed, but then the most conspicuous building at Scrooby. It belonged in his time to Sir Samuel Sandys, the elder brother of Sir Edwin Sandys, whose work as the master spirit in the later history of the Virginia Company of London has already been recounted. At Scrooby, Brewster succeeded his father in the office of "Post," an office that obliged him to receive and deliver letters for a wide district of country, to keep relays of horses for travelers by post on the great route to the north, and to furnish inn accommodations. In the master of the post at Scrooby we have the first of those influences that lifted a group of people from this rustic region into historic importance. He had been acquainted with the great world, and had borne a responsible if not a conspicuous part in delicate diplomatic affairs in the Netherlands. At court, as at Scrooby, he was a Puritan, and now in his retirement his energies were devoted to the promotion of religion. He secured

earnest ministers for many of the neighboring parishes. But that which he builded the authorities tore down. Whitgift was archbishop, and the High Commission Courts were proceeding against Puritans with the energy of the Spanish Inquisition. "The godly preachers" about him were silenced. The people who followed them were proscribed, and all the pains and expense of Brewster and his Puritan friends in establishing religion as they understood it were likely to be rendered futile by the governors of the church. "He and many more of those times begane to look further into things," says Bradford. Persecution begot Separatism. The theory was the result of conditions as new theories are wont to be.

Here, as elsewhere, the secession appears to have begun with meetings for devotion. By this supposition we may reconcile two dates which have been supposed to conflict, conjecturing that in 1602, when Brewster had lived about fifteen years in the old manor-house, his neighbors, who did not care to attend the ministry of ignorant and licentious priests, began to spend whole Sundays together, now in one place and now in another, but most frequently in the old manor-house builded within a moat, and reached by ascending a flight of stone steps. Here Brewster's hospitality was dispensed to them freely. They may or may not have been members of the Separatist church at Gainsborough, as some have supposed. It was not until 1606 that these people formed the fully organized Separatist church of Scrooby. It was organized after the Barrowist<sup>1</sup> pattern that had originated in London—it was after

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<sup>1</sup> Modeled after the plan of church government of William Barrow, who like Browne, lived in the time of Queen Elizabeth and died in her time, too, for he was executed in 1593. Barrow's plan differed probably from the system of church government devised by Robert Browne in vesting more authority in the officers of the church. Browne and Barrow were alike Separatists in holding that it was the duty of the godly to give up their membership in the Church of England and to become members of little congregations, each one in itself an independent church. The Separatists

a divine pattern, according to their belief. Brewster, the nucleus of the church, became their ruling elder.

It was in these all-day meetings that the Separatist rustics of Scrooby were molded for suffering and endeavor. The humble, modest, conscientious Brewster was the kingpost of the new church—the first and longest enduring of the influences that shaped the character of these people in England, Holland, and America. Brewster could probably have returned to the court under other auspices after Davison's fall, but as master of the post at Scrooby, then as a teacher and founder of a printing office of prohibited books in Leyden, and finally as a settler in the wilderness, inuring his soft hands to rude toils, until he died in his cabin an octogenarian, he led a life strangely different from that of a courtier. But no career possible to him at court could have been so useful or so long remembered.

But Brewster was not the master spirit. About the time the Separatists of Scrooby completed their church organization in 1606, there came to it John Robinson. He had been a fellow of Emmanuel College, Cambridge, and a beneficed clergyman of Puritan views. He, too, had been slowly propelled to Separatist opinion by persecution. For fourteen years before the final migration, he led the Pilgrims at Scrooby and Leyden. Wise man of affairs, he directed his people even in their hard struggle for bread in a foreign country. He was one of the few men, in that age of debate about husks and shells, who penetrated to those teachings concerning character and conduct which are the vital and imperishable elements of religion. Even when assailed most roughly in debate he was magnanimous and forbearing. He avoided the bigotry and bitterness of the early Brownists, and outgrew as years went on the

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differed as to how far it was right for them to join in religious exercises with those who still remained in the Church of England. The essence of the belief was that any number of people, no matter how small the number, could of themselves, without authority, or direction from above, form a church.

narrowness of rigid Separatism. He lived on the best terms with the Dutch and French churches. He opposed rather the substantial abuses than the ceremonies of the church of England, and as life advanced he came to extend a hearty fellowship and communion to good men in that church. Had it been his lot to remain in the national church and rise, as did his opponent, Joseph Hall, to the pedestal of a bishopric or to other dignity, he would have been one of the most illustrious divines of the age — wanting some of the statesmanly breadth of Hooker, but quite outspreading and overtopping the Whitgifts, Bancrofts, and perhaps even the Halls. Robert Baillie, who could say many hard things against the Separatists, is forced to confess that “Robinson was a man of excellent parts and the most learned, polished and modest spirit that ever separated from the church of England”; and long after his death the Dutch theologian Hornbeek recalls again and again his integrity, learning, and modesty.

Shall we say that when subjected to this great man's influence the rustics of Scrooby and Bawtry and Austerfield were clowns no longer? Perhaps we shall be truer to the probabilities of human nature if we conclude that Robinson was able to mold a few of the best of them to great uses, and that these became the significant digits which gave value to the ciphers.

Edward Eggleston: *The Beginners of a Nation*, pp. 149-157. D. Appleton & Co., New York, 1896.

#### QUESTIONS

Explain the statement that in the country around Scrooby, “we are in the cradle of great religious movements.” Do the people of the “Pilgrim country” seem men of the same kind we ordinarily suppose the Pilgrims to have been? Sketch the career of William Brewster. How may the Pilgrims have been transformed by the influence of William Brewster and John Robinson? How did the Separatist Church of the Pilgrims gather around Brewster in the manor house at Scrooby?

## VI

## WITCHCRAFT

The Puritans of Massachusetts were by no means alone in this dread of the malign and mischievous influences of unfortunate people who had had dealings with Satan; the belief in witchcraft was commonly held in Europe and America. The selection which is here given suggests the elements on which the witchcraft delusion in Salem rested; there was no knowledge then of hysteria or hypnotic suggestion—to use words which we often hear now; the people not only believed, but intensely believed, in the activities of a personal evil spirit, who sought with unending diligence to bring the unwary under his control. Life in one of these small New England towns, between the forest and the hungry sea, was likely to be monotonous and narrow and unrelieved by natural wholesome distractions; it gave the best opportunity for the development of hysterical conditions and for the cherishing of delusions, to which a whole community might fall a ready victim.

The notion of house-haunting demons—a superstition the most nearly a survival from the days of the elves and brownies—crossed the sea with the early emigrants. One such spirit in Newbury in New Hampshire, in 1679, threw sticks and stones on the roof of the house, lifted up the bedstead from the floor, threw the bedstaff out the window, threw a cat at the mistress of the house and beat the goodman over the head with a broom, made the pole on which the kettles were hung to dance up and down in the chimney, tossed a potlid into the fire, set a chair in the middle of the table when dinner was served, seasoned the victuals with ashes, filled a pair of shoes with hot ashes, ran away with an inkhorn, threw a ladder against a door, and put an awl into the bed. . . . In Hartford, in 1683, there was a gentle devil with a taste for flinging corncobs through the windows and down the chimney. Stones and sticks were sometimes thrown, but softly so as to do no serious harm.

When the occupant of the haunted house returned to its owner a chest of clothes unjustly detained, no more corn-cobs were thrown. In Portsmouth it rained stones outdoors and in at the house of George Walton, and, what is curious, some of these stones were hot. Glass windows were shattered, and a stirrup iron traveled off on its own motion without horse or rider and was never again seen. Sometimes a hollow whistling sound was heard. This whistling devil amused himself like a true brownie by hanging the haycocks up in the trees and decorating the kitchen "all up and down" with wisps of hay. Sometimes the chains were sufficiently lengthened for a New England demon to become visible. One appeared as a "black-a-moor child," another as a woman clad in green safeguard, short blue cloak, and white cap. Once the black cat, so dear to tradition, appeared and was shot at; again the head of a man was seen swimming through the water, followed a little way off by the tail of a white cat. These American devils with their undiabolical sense of humor have at least a family likeness to the mischievous elves, pucks, brownies, and other "tricksy sprites" with which the English imagination peopled lonesome glens and the dark corners of their houses in primitive times. Whether the later demons were creatures of excited fancy or of imposture, or both, they were cast in molds supplied by ancient tradition.

The phenomena known in later times as hysteria, and as mesmerism and hypnotism, were not yet recognized to be due to natural causes. The infinitely delicate shadings by which mental sanity passes without any line of demarcation into madness could not then be imagined. A belief in demoniacal possession was almost unavoidable. That men and women might be "obsessed with caco-demons," in the pedantic phrase of the time, had the sanction of the ages, of religion, and of science itself. Only the most hardy intellects ventured to question an opinion so well supported.

In the Massachusetts town of Groton, in 1671, occurred

a case of well-defined hysteria. The village minister naturally concluded that the violent contortions and "ravings" of the patient, Elizabeth Knap, "represented a dark resemblance to hellish torments." When in one of her fits she cried out, "What cheer, old man?" to whom could she be speaking if not to the devil? Like many other hysterical sufferers, she was susceptible to hypnotic suggestion, and in answer to leading questions she was able to remember having made the compact with Satan always presupposed in such cases. This in saner moments she retracted, as she did also accusations of witchcraft made against others in reply to probing inquiries. She once described to the shuddering bystanders a witch visible to her at that moment, having a dog's body and a woman's head, running through the room and climbing up the chimney. Good Parson Willard and others present found all this so exciting that they, though unable to see the apparition, could detect the imprint of a dog's foot in the clay daubing of the chimney.

Worst element of all in this delusion was the mistaken zeal of the clergy. Ministers of differing creeds agreed in believing that the palpable evidences of spiritual existence afforded by witchcraft might serve to vanquish the ever present skepticism regarding the supernatural. Squalid tales gathered at witch trials, many of them foul and revolting as well as unbelievable, were disseminated as religious reading, in hope that they might prove a means of grace by revulsion. If any man had the courage to question the supernatural character of these disgusting apparitions, he found himself gazetted in the authoritative writings of eminent divines as a Sadducee, a patron of witches, and a witch advocate; if he took a neutral position for safety, averring the existence of witchcraft but denying the possibility of proving it in particular cases, he was dubbed a "nullibist." This in America as well as in England. A new case of witchcraft did not excite pity, but something like exultation. . . . By this array of frightful

diabolism it was hoped that the swelling tide of gross immorality might be checked and religion promoted, for the appeal of religion in that day was to fear rather than to aspiration; the peril of trying to kindle altar fires with embers from hell was not understood.

Salem village, an outlying suburb, two or three miles from Salem proper, was almost a frontier town in 1692. Men still wore buckskin breeches and hats with a brim narrow in front and long behind. Wolves, bears, and catamounts were trapped. Some of the settlers had participated in the desperate battle at the Narragansetts' town sixteen years before. The sword and the rapier were still worn at the side, the fowling piece six and seven feet in length was in use. Men had been killed by the Indians in the bounds of Salem within three years. Education was generally neglected; even men of substance were sometimes unable to write. The old patriarchs who had made the settlement had just died off; the community had lost its steadfast guides. New clergymen had come in and new magistrates, not with the education of England, but with the scantier training of New England—a training in which the felling ax was more important than the Latin grammar. The new clergy, men of the second and third generations, were, with a few exceptions, profoundly impressed with the necessity of believing anything ghostly or horrible; the supernatural was the basis of their piety. Increase Mather . . . had published books on the ominous eclipses of 1680 and 1682, and another in 1686 on *Illustrious Providences*, which was a storehouse of those dragons' teeth that bore such ample fruit in 1692. His abler but less judicious son, Cotton, had issued a book on "Memorable Providences relating to witchcraft and Possessions." It had come to a second edition in the very year before the horrors of Salem.

The village of Salem had the elements needed for a witchcraft mania—a quarrel between minister and people; a circle of young girls from eleven to twenty, including



some who worked as helps, who met at the minister's house and practiced together folk-sorcery and that kind of divining that has been the amusement of such for ages. These girls soon began to manifest symptoms of hysteria and hypnotism; one or two married women also had "fits" in sympathy with them. A doctor called to attend them decided that they were afflicted by "an evil hand." There was some heartless and heedless imposture, no doubt, in what followed, but there was also much of self-deception.

The glimpses of the infernal world that we get in Salem are highly incredible. The witches say prayers to a tall black man with a high-crowned hat — always with a high-crowned hat. They ride on sticks and poles, sometimes they are on brooms, and sometimes three are on one pole. One relates that a pole carrying two broke, but, by holding fast to the one in front of her, the witch got safe to her destination. . . . Sometimes a hog, sometimes a black dog, appears and says, "Serve me." Then the dog or pig "looks like a man," and this man has a yellow bird. Cats naturally abound, white cats and red cats and cats without color. Once a man struck with a rapier at a place designated by one of the girls, and she declared the cat dead and the floor to be all covered with blood. But no one else saw it. This is probably hypnotism, hardly imposture. A great mass of such inconsequent and paltry foolery was believed, not alone by owl-blasted children, but by Stoughton and the other judges, and by pious Samuel Sewall himself, more's the pity! Where is the motive? What prompted the most eminent Christians and leading citizens to prefer so base a life — companions to cats and dogs and devils? Why did this torture of innocent children, this mischief-working witchcraft with endless perdition at the tail of it, give pleasure to rational creatures? The court never once thought to ask.

The trial scenes were perdition. The "afflicted children" screamed, went into spasms, shouted, charged the prisoners with torturing them, and their apparent torments

were frightful. They laid to the charge of the accused unheard-of deviltries, such as the killing of wives long dead, attempting to choke aged grandparents, and what not besides. Husbands in some instances turned against wives; in others they adhered to them, were accused themselves, and died with them.

The trials were accompanied by great cruelties. Officers of the law were allowed to plunder the estates of the accused of all movable property. The prisoners had to pay their jail expenses, and many families were utterly impoverished. Prisoners were cast into the dungeon and were "fettered." Goodman Hutchinson complained of certain prisoners for tormenting his wife; additional fetters were put on them, after which Mrs. Hutchinson was "tolerable well." Some were tortured to make them confess; lads were laid neck and heels until the blood gushed from their noses. These were accredited practices at the time. Several died in prison.

The very skill of the accused was against them. One very neat woman walked miles over dirty roads without showing any mud. "I scorn to be drabbled," she said, and she was hanged for her cleanliness. George Burroughs, the minister, was a strong man, much addicted to gymnastics. He carried barrels of cider by inserting his fingers into the bunghole, and held a seven-foot gun at arm's length. He was the devil's man, away with him to the gallows! The first people in the colony became involved. Twenty in all were executed, four or five at a time. Their bodies were ignominiously thrust into holes at the place where they were executed and were scantily covered.

There were brave men and women among them. Giles Corey, an eccentric old man, had at first signed an affidavit of uncertainty about his wife, a woman of piety, and, strange to say, an entire unbeliever in witchcraft. Two of his sons-in-law turned against her, two were for her. But when old Giles was accused he stiffened his neck. He would save his property, which was considerable and

might be compromised; he would will it all to his two faithful sons-in-law. He would prove his steadfastness. He made a will, perfect in every part, giving his property to the sons-in-law, and then totally refused to plead and was slowly pressed to death.<sup>1</sup> The constancy of the old man did much to overthrow the partisans of witchcraft. Joseph Putnam, a young man of twenty-two, declared his detestation of the doctrine. He kept some one of his horses bridled and saddled for six months. He armed all his family, and it was understood that he must be taken, if taken at all, pistol in hand. When the mania was at its height he refused to have his child baptized in the village, but carried it to Salem.

The excitement had risen with every arrest. More than fifty badgered souls had confessed that they were witches. Some had fled the country. But the wide extent of the accusations produced a change in the minds of the people. They knew not who would be struck at next. The governor at length refused to call the special court together, and after a tedious confinement a hundred and fifty were released by proclamation. The population of Salem had decreased, its business had suffered, and perhaps it never recovered its prosperity. Slowly the people got over the delusion and came to realize the incalculable and irretrievable harm that had been wrought. Judge Sewall, at a general fast, handed up to the minister to be read a humble confession, and stood while it was read. He annually kept a private day of humiliation. Honor to his memory! The twelve jurymen also signed an affecting paper asking to be

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<sup>1</sup> By the English law, if a man were condemned of a crime like witchcraft, his personal property was confiscated. But sentence of condemnation would not be pronounced against him until he had pleaded guilty or not guilty. If he refused to plead, he was put under heavy weights until he either gave way and pleaded or was crushed to death. If a man remained steadfast to the death in his refusal, he saved his property from confiscation; for as he had not pleaded, he had not been tried and could not be condemned.

forgiven. Cotton Mather, who had been very conspicuous and had published a book about it, never acknowledged himself wrong in this or any other matter. From the time it became unpopular he speaks of the witchcraft trials in a far-away manner, as if they were wholly the work of someone else. He was never forgiven, and probably never ought to have been.

The revulsion was complete. No witches were tried or hanged or "swimmed" in America after the Salem trials. In half a lifetime more the ardor of the English people visibly abated, and few witches were thereafter arrested in England.

Edward Eggleston: *The Transit of Civilization*, pp. 25-34.

#### QUESTIONS

Illustrate the belief in the supernatural in New England: (a) as to elves and brownies (b) as to demonic possession. What would we call the latter to-day? What use did the ministers try to make of cases of witchcraft? What in the life of Salem in 1692 made the witchcraft delusion possible? How did the mania start? What sorts of tales of witchcraft were told? State some of the grounds on which people were condemned. What was the end of the delusion?

### VII

#### COLONIAL SCHOOLS AND A COLONIAL COLLEGE

By comparison of such notices as we have of American schools with the English schools of the period, we can form a fairly clear conception of the outward traits of school life in the age of American settlement. We may dimly see the unwilling boy "with shining morning face" and a lambskin satchel setting out for school, breakfastless, in the dark winter mornings in time to begin his studies at the unchristian hour of six o'clock. Some schools postponed the hour of beginning until seven. The

session ended at eleven, when the famished pupils went home to their first meal, though in a few schools there was a recess of fifteen minutes at nine o'clock in order that those who lived near the school might snatch a hurried breakfast, a meal not generally reckoned with at that time. There was a custom in earlier times of allowing the fasting pupils to take some light food in school with bottles of drink, but if the custom survived into the seventeenth century it left no trace in educational literature. The session was resumed for the afternoon when the master rapped on the doorpost at one o'clock, and it continued until "well-nigh six at night," when the scholars, who must have been stupefied by an all-day confinement, heard the welcome word of dismissal, "Exeat." In a new country the rough roads and long distances must have made it next to impossible to begin in the dark at six in the winter. By 1719 the hour had fallen away in one place to "three quarters past seven." One finds the pupils of Christopher Dock, the Pennsylvania Dutch teacher, munching their "breakfast bread" along the road as they hurried to school at some unearthly time, and back-country schools in America retained cruelly long hours, with other cherished and venerable abuses brought from Europe, until the middle of the nineteenth century. In the early years of Harvard an hour was allowed at some time in the middle of the forenoon for morning bever, a light snack preceded by no breakfast. Half an hour was given to the afternoon bever, and an hour and a half each to dinner and supper. Small allowance was made for the activity of youth. There were no regular recesses for play in any of the schools. On occasion a great man would lend his countenance to the school by a formal visit; at such a time he might crave a little grace for the prisoners of learning; a half holiday was granted at his request and in honor of his advent. Such playtimes were of old called "remedyes," but austere Dean Colet would not allow to the pupils of his new foundation of St. Paul's a playday at the re-

quest of anybody less than a king or a prelate. It was thought best to cut off this ancient privilege wholly at the little Virginia college; there were probably too many visitors of distinction; but one afternoon a month was set apart for play, and whenever a new student was enrolled "an afternoon extraordinary" was granted, "and no more." . . .

After the Restoration, Virginia began to feel an alarm like that which had startled Massachusetts earlier. It is probable that the deprived churchmen who occupied Virginia parishes during the Commonwealth were now returning to England to reap the reward of their fidelity to the king. It was feared that the "want of able & faithful Ministers" would deprive the colonists of "those great Blessings and Mercies that allwaies attend upon the Service of God," and the Assembly passed an act in 1661, and again in 1662, to found "a colledge and free schoole." But Sir William Berkeley, the governor, did not want either a college or a free school, and Berkeley, with a salary independent of the good will of the people, was more absolute in Virginia than his master Charles was in England. This pinchbeck Stuart detested ministers who were able to preach, and he abhorred printing presses. But the Virginia educational movement at the time of the Restoration was not wholly without result. If the proposed subscription for the college was ever taken, it probably was not collected, and the "houseing" ordered to be erected for the college is not again heard of. But at least two bequests to found new free schools were made in Berkeley's depressing reign. After the disorders and despotisms which followed the failure of Nathaniel Bacon's bold stroke for freedom in 1676 had passed away, a college subscription was set on foot in 1688 and 1689, and sums amounting to twenty-five hundred pounds were promised by wealthy Virginians and a few English merchants. The confusion resulting from the English Revolution of 1688

probably caused delay. Two years more elapsed before the Assembly took action by ordaining an institution in three departments—a grammar school, a school of philosophy, and a school of Oriental languages and divinity. A charter was secured from the sovereigns. William and Mary, whose names the college took, gave freely out of the wild lands of the province, out of the royal revenues from tobacco, and gave outright the income from the fees for surveying land. The Virginia Assembly added an import duty on furs. In 1700, while the building designed by Sir Christopher Wren was yet unfinished, the college at the close of its first year held a commencement. The novelty of such an exercise attracted a large concourse of people to the new town of Williamsburg. Some of the great planters came in coaches, which vehicles were yet rare enough in America to be noticeable. Other visitors arrived in their own sloops, sailing in some instances from the upper waters of the Chesapeake, and in other cases on the open ocean from Pennsylvania and New York. Some even of the Indians gathered their blankets round them and strolled into the little capital to lend picturesqueness to this powwow of white men. The opening of an infant college was a notable break in the rather eventless monotony of a half-settled coast, remote from the great world.

The so-called college, thus hopefully launched, drifted inevitably into the whirlpools and eddies of petty provincial politics; its revenues were a tempting bait to the ring of predatory colonial magnates and ambitious sycophants that surrounded a royal governor in that day. William and Mary College was but a grammar school for years after its start, and its development was tediously slow. But most of its resources were saved from plunder and waste, and at the outbreak of the Revolution it was said to be the richest institution of learning in America.

Edward Eggleston: *The Transit of Civilization*, pp. 239, 249.

## QUESTIONS

What hours did colonial schools keep? On what basis were holidays allowed? What were the motives that led Virginians to desire a college in the seventeenth century? Why did Governor Berkeley oppose it? Describe the founding of William and Mary College.

## VIII

THE LIFE AND HOME OF A COLONIAL  
PLANTER

The plantation which is here described was doubtless more elaborate and more thoroughly organized and managed than were the majority of the large plantations in colonial Virginia, and yet it can fairly be taken as representative. The big plantation, a little world by itself, owned by one man and managed by him or under his general supervision, was the striking feature of the old South, as the town which is described in the following selection was characteristic of New England. George Mason, the owner of this plantation, was an important person in Virginia in the Revolutionary days. He was the author of the Virginia Bill of Rights of 1776, or at least was largely responsible for it; he was a member of the Federal Convention of 1787. His plantation was within a few miles of Mount Vernon, the home of Washington.

Gunston Hall is situated on a height on the right bank of the Potomac river within a short walk of the shores, and commanding a full view of it, about five miles above the mouth of that branch of it on the same side called the Occoquan. When I can first remember it, it was in a state of high improvement and carefully kept. The south front looked to the river; from an elevated little portico on this front you descended directly into an extensive garden, touching the house on one side and reduced from the natural irregularity of the hill top to a perfect level platform, the southern extremity of which was bounded by a spacious walk running eastwardly and westwardly, from



which there was by the natural and sudden declivity of the hill a rapid descent to the plain considerably below it. On this plain adjoining the margin of the hill, opposite to and in full view from the garden, was a deer park, studded with trees, kept well fenced and stocked with native deer domesticated. On the north front, by which was the principal approach, was an extensive lawn kept closely pastured, through the midst of which led a spacious avenue, girded by long double ranges of that hardy and stately cherry tree, the common black heart, raised from the stone, and so the more fair and uniform in their growth, commencing at about two hundred feet from the house and extending thence for about twelve hundred feet; the carriage way being in the center and the footways on either side, between the two rows, forming each double range of trees, and under their shade.

But what was remarkable and most imposing in this avenue was that the four rows of trees being to be so aligned as to counteract that deception in our vision which, in looking down long parallel lines makes them seem to approach as they recede; advantage was taken of the circumstance and another very pleasant delusion was effected. A common center was established exactly in the middle of the outer doorway of the mansion, on that front, from which were made to diverge at a certain angle the four lines on which these trees were planted, the plantation not commencing but at a considerable distance therefrom (about two hundred feet as before mentioned) and so carefully and accurately had they been planted, and trained and dressed in accordance each with the others, as they progressed in their growth, that from the point described as taken from the common center, and when they had got to a great size, only the first four trees were visible. More than once have I known my father, under whose special care this singular and beautiful display of trees had been arranged and preserved, and who set great value on them, amuse his friends by inviting some gentleman or lady

(who, visiting Gunston for the first time, may have happened to arrive after night, or may have come by the way of the river and entered by the other front, and so not have seen the avenue) to the north front to see the grounds, and then by placing them exactly in the middle of the doorway, and asking, 'how many trees do you see before you?' 'four' would necessarily be the answer because the fact was that those at the end of the four rows next the house completely, and especially when in full leaf, concealed from that view, body and top, all the others, though more than fifty in each row. Then came the request, 'Be good enough to place yourself now close to either side of the doorway, and then tell us how many you see.' The answer would now be with delight and surprise, but as necessarily, 'A great number, and to a vast extent, but how many it is impossible to say!' And in truth to the eye placed at only about two feet to the right or left of the first position, there were presented, as if by magic, four long, and apparently close walls of wood made up of the bodies of the trees, and above, as many of rich foliage constituted by their boughs stretching, as seemed to an immeasurable distance.

To the west of the main building were first the school-house, and then at a little distance, masked by a row of large English walnut trees, were the stables. To the east was a high pale yard, adjoining the house, into which opened an outer door from the private front, within or connected with which yard were the kitchen, well, poultry houses, and other domestic arrangements; and beyond it on the same side, were the corn house and granary, servants' houses (in those days called negro quarters), hay yard and cattle pens, all of which were masked by rows of large cherry and mulberry trees. And adjoining the enclosed grounds on which stood the mansion and all these appendages on the eastern side was an extensive pasture for stock of all kinds running down to the river, through which led the road to the Landing, emphatically so called,

where all persons or things water borne, were landed or taken off, and where were kept the boats, pettiangers and canoes of which there were always several for business transportation, fishing, and hunting, belonging to the establishment. Farther north and on the same side was an extensive orchard of fine fruit trees of a variety of kinds. Beyond this was a small and highly fenced pasture devoted to a single brood horse. The occupant in my early days was named Vulcan, of the best stock in the country and a direct descendant of the celebrated Old James. The west side of the lawn or enclosed grounds was skirted by a wood, just far enough within which to be out of sight, was a little village called Log-Town, so-called because most of the houses were built of hewn pine logs. Here lived several families of the slaves serving about the mansion house; among them were my father's body-servant James, a mulatto man and his family, and those of several negro carpenters.

The heights on which the mansion house stood extended in an east and west direction across an isthmus and were at the northern extremity of the estate to which it belonged. This contained something more than five thousand acres, and was called Dogue's Neck (I believe after the tribe of Indians which had inhabited this and the neighboring country), water-locked by the Potomac on the south, the Occoquan on the west, and Pohick Creek (a bold and navigable branch of the Potomac, on the east, and again by Holt's Creek, a branch of the Occoquan, that stretches for some distance across from that river in an easterly direction. The isthmus on the northern boundary is narrow and the whole estate was kept completely enclosed by a fence on that side of about one mile in length running from the head of Holt's to the margin of Pohick Creek. This fence was maintained with great care and in good repair in my father's time, in order to secure to his own stock the exclusive range within it, and made of uncommon height to keep in the native deer which had been preserved

there in abundance from the first settlement of the country and indeed are yet there (1832) in considerable numbers. The land south of the heights and comprising more than nine tenths of the estate was an uniform level elevated some twenty feet above the surface of the river, with the exception of one extensive marsh and three or four water courses, which were accompanied by some ravines and undulations of minor character—and about two-thirds of it were yet clothed with the primitive wood; the whole of this level tract was embraced in one view from the mansion house. In different parts of this tract and detached from each other, my father worked four plantations with his own slaves, each under an overseer; and containing four or five hundred acres of open land. The crops were principally Indian corn and tobacco; the corn for the support of the plantations and the home house, and the tobacco for sale. There was but little small grain made in that part of the country in those days. He had also another plantation worked in the same manner, on an estate he had in Charles County, Maryland, on the Potomac about twenty miles lower down, at a place called Stump Neck.

It was very much the practise with gentlemen of landed and slave estates in the interior of Virginia, so to organize them as to have considerable resources within themselves; to employ and pay but few tradesmen, and to buy little or none of the coarse stuffs and materials used by them; and this practise became stronger and more general during the long period of the Revolutionary War which in great measure cut off the means of supply from elsewhere. Thus my father had among his slaves, carpenters, coopers, sawyers, blacksmiths, tanners, curriers, shoemakers, spinners, weavers and knitters, and even a distiller. His woods furnished timber and plank for the carpenters and coopers, and charcoal for the blacksmith; his cattle, killed for his own consumption and for sale, supplied skins for the tanners, curriers and shoemakers, and his sheep gave wool

and his fields produced cotton and flax for the weavers and spinners, and his orchards fruit for the distiller. His carpenters and sawyers built and kept in repair all the dwelling-houses, barns, stables, ploughs, harrows, gates, etc., on the plantations and the outhouses at the home house. His coopers made the hogsheads the tobacco was prized in and the tight casks to hold the cider and other liquors. The tanners and curriers with the proper vats, etc., tanned and dressed the skins as well for upper as for lower leather to the full amount of the consumption of the estate, and the shoemakers made them into shoes for the negroes. A professed shoemaker was hired for three or four months in the year to come and make up the shoes for the white part of the family. The blacksmith did all the iron work required by the establishment, as making and repairing ploughs, harrows, teeth chains, bolts, etc., etc. The spinners, weavers and knitters made all the coarse cloths and stockings used by the negroes, and some of finer texture worn by the white family, nearly all worn by the children of it. The distiller made every fall a good deal of apple, peach, and persimmon brandy. The art of distilling from grain was not then among us, and but few public distilleries. All these operations were carried on at the home house, and their results distributed as occasion required to the different plantations. Moreover all the beeves and hogs for consumption or sale were driven up and slaughtered there at the proper seasons, and whatever was to be preserved was salted and packed away for after distribution.

My father kept no steward or clerk about him. He kept his own books and superintended, with the assistance of a trusty slave or two, and occasionally of some of his sons, all the operations at or about the home house above described; except that during the Revolutionary War, and when it was necessary to do a great deal in that way to clothe all his slaves, he had in his service a white man, a weaver of the finer stuffs, to weave himself and superintend the negro spinning-women. To carry on these opera-

tions to the extent required, it will be seen that a considerable force was necessary, besides the house servants, who for such a household, a large family and entertaining a great deal of company, must be numerous—and such a force was constantly kept there, independently of any of the plantations, and besides occasional drafts from them of labor for particular occasions. As I had during my youth constant intercourse with all these people, I remember them all and their several employments as if it was yesterday.

Kate M. Rowland: *The Life of George Mason*, pp. 98-102. G. P. Putnam's Sons, New York and London, 1892.

#### QUESTIONS

Describe the arrangement of the buildings at Gunston Hall. How much of the land of the plantation was under cultivation? How did George Mason make his estate self-sufficing? What trades were carried on by his slaves? How far did they supply the needs of his family? How did the river serve the plantation as a means of transportation?

### IX

#### THE NEW ENGLAND TOWN

The following selection from the pen of President Dwight of Yale College, written near the beginning of the nineteenth century, gives a New Englander's idea of the worth of the town and the town meeting. Probably no other institution among the institutions of the New World has received so much praise and so little condemnation as this. The men of the town had a voice and a vote in the town meeting which elected officers and decided on numerous matters of local interest. The value of this participation in government is undoubtedly large; the results of a town meeting discussion might not always be wise and judicious, but the value of an institution of free government is to be judged quite as much by its influence on those that take part in the government as by the symmetry of its legislation or by the uniform equity with which laws are administered.

The towns, you will perceive, have many peculiar interests of great importance; are required to perform many important duties; are invested with many valuable powers, rights, and privileges; and are protected from injustice, and imposition, in the enjoyment of their rights and the performance of their duties. . . .

The confusion, incident to popular meetings, and so often disgraceful to those of Athens and Rome, is effectually prevented.

To this state of things many causes contribute. The towns are all of a moderate size and population. The numbers, assembled at any town meeting, must, therefore, be always moderate. Of course, the noisy, tumultuous proceedings, and rash measures, so generally found in great assemblies of men, are here unknown. The regulations, also, are marked with the strictest propriety. No person speaks without leave. The person, who rises first, speaks first; and no person interrupts him. The votes, and all the other proceedings, are conducted with a very honourable decorum. The most powerful cause, perhaps, of all this propriety is to be found in the education, and habits, of the people; under the influence of which every person, after the meeting is adjourned, usually retires to his house; and riot, noise, and indecency, so common on similar occasions in other countries, are here unknown. . . .

Their measures affect only their own concerns. They will not injure themselves: they cannot injure others. No clashing can exist between the towns themselves, nor between any town and the public; for their proceedings are valid only by law, and, whenever they contravene it, are nothing.

By these local Legislatures a multitude of important concerns are managed, too numerous and unwieldy to be adjusted by the Legislature of the State; and far better known by those, who actually superintend them, than by

any other persons. They have a deep interest in these concerns; and therefore will not neglect them; understand them perfectly, and will therefore regulate them wisely; are always present, and therefore can meet and act on every emergency.

In these little schools men commence their apprenticeship to public life, and learn to do public business. Here the young speaker makes his first essays, and here his talents are displayed, marked, and acknowledged. The aged, and discreet here see with pleasure the promise of usefulness in the young, and fail not to reward with honourable testimonials every valuable effort of the rising generation. The questions agitated, though affecting only local concerns and a moderate number of people, are still interesting, and often deeply. At times they furnish full scope for the genius, understanding, and eloquence of any man; are ably discussed, and command profound attention. The sober, busy citizens of Connecticut are, however, very little inclined to commend, or even listen to, the eloquence which is intended merely for show. He who would be heard with approbation or mentioned with praise must speak only because there is occasion to speak; must speak with modesty, with brevity, to forward or improve the measures proposed or those which he substitutes, and not to show that he *can* speak, however ingeniously.

The Selectmen, the proper town Executive, are intrusted with powers which at first sight may seem enormous. They are undoubtedly great, and the trust (the sphere of action being considered) is high; of course, it ought always to be, and usually is, committed to respectable citizens. But experience has abundantly proved, that these powers are intrusted with perfect safety, and incalculable advantage to the Public. An instance, in which they have been abused, has hardly been known, since the settlement of the State. Numerous and troublesome as their services are, these officers have in very few towns ever received any compensation beside the consciousness



of having been useful, and the esteem of their fellow citizens.

I have remarked above, that men learn to do public business by being conversant with the affairs of Towns. You will remember, that every town annually elects a considerable number of Officers. Even the humblest of these offices furnishes opportunities for information and exercise for sagacity; and, collectively, they are suited to every age and capacity of man. Virtues are here tried and talents occupied in a manner safe alike to the employer and the agent. On the one hand the capacity for business is enlarged; and on the other the best proof is given which can be given of the proper preparatory qualifications for business of a superior and more extensive nature. In the closet no man ever becomes acquainted with either the concerns or the character of men, or with the manner in which business ought to be conducted. The general principles of political science a scholar may understand equally with those of other sciences. But of business, which is necessarily done in detail if done to any purpose, the mere scholar literally knows nothing. He may be able to write a good political book, but he cannot do political business, because he never has done it. A plain man, educated in the business of a town, will easily show him that in knowledge of this kind he is an infant; and *that* whatever may be his genius or his acquisitions.

At the same time, the business done here is so various, so similar in many respects to that of a Legislature, and so connected with the public police, it returns so often, occupies so many hands, and involves so many public offices, that the inhabitants become not a little versed in public affairs. Hence they are peculiarly qualified to judge of their nature. A Republican Government is founded on general opinion. It is, therefore, of the highest importance that this opinion should be correct. No method hitherto adopted by mankind has been equally successful with this in forming that opinion, and in fitting men

to judge well concerning governmental measures. A large proportion of the citizens of this State have actually sustained one public office, and multitudes, several, and have of course been personally concerned in transacting public business. Hence they have already known by experience the difficulties incident to public concerns, and are, in a degree superior to what is usually found elsewhere, prepared to form judicious opinions concerning the measures of the Legislature. I have heard laws discussed by plain men with more good sense than any mere scholar could have displayed on the same subjects. By these men they were canvassed as to their operation on the actual interests of themselves, and others. By a scholar they would have been examined as to their accordance with preconceived general principles. The former were certain means of determining on the merits of a law; the latter only probable, and very imperfect.

From these facts it arises in no small measure, that the citizens of Connecticut have ever exhibited a peculiar skill and discretion in both judging and acting, concerning public affairs. Every man who arrives at the higher offices of magistracy serves, almost of course, an apprenticeship in the concerns of the town. Here his character is tried. If he acquires the general approbation, he is elected to the Legislature. There he undergoes a new trial, and, if sufficiently approved, is in the end chosen by the Freemen at large into the Council. In this body, if his conduct is not materially altered, he is regularly placed by the same suffrage until he declines an election, becomes disqualified by age, or dies.

Timothy Dwight, S. T. D., LL.D., Late President of Yale College: *Travels in New-England and New-York*, Vol. I, pp. 248-252. New Haven, 1821. The part quoted was, in all probability, written some time between 1802 and 1814. See "Preface," pp. 10, 11; and pp. 237, 240.

## QUESTIONS

Name the advantages of the system of local government by the town meeting here described. How did the town meeting train the citizens to judge intelligently of the politics and public business of the State? What is the advantage in every man's having held some public office however small? How does it make him able to judge better the administration and laws of his State or National government? Why could not a great city be governed like one of these towns? What is the advantage of having the local concerns of a township or village settled by its inhabitants? How far in your own home do the inhabitants of township or county to-day have the right of settling local business?

PART II

THE REVOLUTION AND THE  
CONSTITUTION

X

CAUSES OF THE AMERICAN REVOLUTION

The writer of the book from which this extract is taken was an Englishman of learning, one of the greatest historical writers among his countrymen of the nineteenth century. His account of the causes of the hostility between England and her Colonies has generally been considered scrupulously just and fair. Since these words were written a great deal of work has been done by scholars on the causes of the Revolution, especially on those phases of the subject which show the conditions in the Colonies and the elements of social and industrial unrest; but the author's words as here given remain substantially just. Lecky was the author of the *History of England in the Eighteenth Century*; chapters from that work have been gathered into the volume called *Lecky's American Revolution*, from which the following extract is taken.

When Grenville succeeded to power on the fall of Bute,<sup>1</sup> he took up the design,<sup>2</sup> and his thorough knowledge of all the details of office, his impatience of any kind of neglect, abuse, and illegality, as well as his complete want of that political tact which teaches statesmen how far they may safely press their views, foreshadowed a great change in colonial affairs. He resolved to enforce strictly the trade

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<sup>1</sup> The Earl of Bute was Prime Minister from May, 1762, to April, 1763.

<sup>2</sup> Of making the Colonies pay taxes levied by Act of Parliament, with which troops used for colonial defense were to be paid.

laws, to establish permanently in America a portion of the British army, and to raise by parliamentary taxation of America at least a part of the money which was necessary for its support.

These three measures produced the American Revolution, and they are well worthy of a careful and dispassionate examination. The enormous extent of American smuggling had been brought into clear relief during the war, when it had assumed a very considerable military importance, and as early as 1762 there were loud complaints in Parliament of the administration of the Custom-house patronage. Grenville found on examination that the whole revenue derived by England from the custom-houses in America amounted to between £1,000 and £2,000 a year; that for the purpose of collecting this revenue the English Exchequer paid annually between £7,000 and £8,000, and that the chief Custom-house officers appointed by the Crown had treated their offices as sinecures, and by leave of the Treasury resided habitually in England. Great portions of the trade laws had been systematically violated. Thus, for example, the Colonists were allowed by law to import no tea except from the mother country, and it was computed that of a million and a half pounds of tea which they annually consumed, not more than a tenth part came from England. This neglect Grenville resolved to terminate. The Commissioners of Customs were ordered at once to their posts. Several new revenue officers were appointed with more rigid rules for the discharge of their duties. The Board of Trade issued a circular to the colonists representing that the revenue had not kept pace with the increasing commerce, and did not yield more than one quarter of the cost of collection, and requiring that illicit commerce should be suppressed, and that proper support should be given to the Custom-house officials. English ships of war were at the same time stationed off the American coast for the purpose of intercepting smugglers.

In 1764, new measures of great severity were taken. The trade with the French West India islands and with the Spanish settlements, for molasses and sugar, had been one of the most lucrative branches of New England commerce. New England found in the French islands a market for her timber, and she obtained in return an abundant supply of the molasses required for her distilleries. The French West India islands were nearer than those of England. They were in extreme need of the timber of which New England furnished an inexhaustible supply, and they were in no less need of a market for their molasses, which had been excluded from France as interfering with French brandies, and of which enormous quantities were bought by the New England Colonies. In 1763, 14,500 hogsheads of molasses were imported into New England from the French and Spanish settlements; it was largely paid for by timber which would otherwise have rotted uselessly on the ground, and the possibility of selling this timber at a profit gave a great impulse to the necessary work of clearing land in New England. No trade could have been more clearly beneficial to both parties, and the New Englanders maintained that it was the foundation of their whole system of commerce. The distilleries of Boston, and of other parts of New England, had acquired a great magnitude. Rum was sent in large quantities to the Newfoundland fisheries and to the Indians, and it is a circumstance of peculiar and melancholy interest that it was the main article which the Americans sent to Africa in exchange for negro slaves. In the trade with the Spanish settlements the colonists obtained the greater part of the gold and silver with which they purchased English commodities, and this fact was the more important because an English Act of Parliament had recently restrained the colonists from issuing paper money.

In the interest of the English sugar colonies, which desired to obtain a monopoly for their molasses and their sugar, and which at the same time were quite incapable of

furnishing a sufficient market for the superfluous articles of American commerce, a law had been passed in 1733 which imposed upon molasses a prohibitory duty of sixpence a gallon and on sugar a duty of five shillings per hundred weight, if they were imported into any of the British plantations from any foreign colonies. No portion of the commercial code was so deeply resented in America, and its effects would have been ruinous, had not the law been systematically eluded with the connivance of the revenue officers, and had not smuggling almost assumed the dimensions and the character of a branch of regular commerce. After several renewals the Act expired in 1763, and the colonies urgently petitioned that it should not be renewed.

Bernard, the Governor, and Hutchinson, the Lieutenant-Governor of Massachusetts, strongly condemned the policy of the Act, and dwelt upon the impossibility of enforcing it. Grenville, however, refused to relinquish what might be made a source of revenue, and the old law was renewed with several important modifications. The duty on molasses was reduced by one-half, but new duties were imposed on coffee, pimento,<sup>3</sup> French and East India goods, white sugar and indigo from foreign colonies, Spanish and Portuguese wine, and wine from Madeira and the Azores, and the most stringent measures were taken to enforce the law. (Bonds were exacted from every merchant who exported lumber or iron; the jurisdiction of the Courts of Admiralty, which tried smuggling cases without a jury, was strengthened and enlarged, and all the officers of ships of war stationed on the coasts of America were made to take the Custom-house oaths and act as revenue officers. In addition, therefore, to the old race of experienced but conniving revenue officers, the repression of smuggling became the business of a multitude of rough and zealous sailors, who entered into the work with real keenness, with

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<sup>3</sup> Allspice.

no respect of persons, and sometimes with not a little unnecessary or excessive violence. The measure was one of the most serious blows that could be administered to the somewhat waning prosperity of Boston, and it was the more obnoxious on account of its preamble, which announced as a reason for imposing additional duties that "it is just and necessary that a revenue be raised in your Majesty's dominions in America for defraying the expenses of defending, protecting, and securing the same." In order to diminish the severity of these restrictions, bounties were in the same year given to the cultivation of hemp and flax in the colonies. South Carolina and Georgia were allowed to export the rice which was their chief product to the French West India islands; and the whale fishery, which was one of the most profitable industries of New England, was relieved of a duty which had hitherto alone prevented it from completely superseding or eclipsing the whale fishery of England.

Judging by the mere letter of the law, the commercial policy of Grenville can hardly be said to have aggravated the severity of the commercial code, for the new restrictions that were imposed were balanced by the new indulgences that were conferred. In truth, however, the severe enforcement of rules which had been allowed to become nearly obsolete was a most serious injury to the prosperity of New England. A trade which was in the highest degree natural and beneficial, and which had long been pursued with scarcely any hindrance, was impeded, and the avowed object of raising by imperial authority a revenue to defray the expense of defending the colonies, created a constitutional question of the gravest kind. . . .

In truth, the measure,<sup>4</sup> although it was by no means as unjust or as unreasonable as has been alleged, and although it might perhaps in some periods of colonial history have passed almost unperceived, did unquestionably in-

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<sup>4</sup> The Stamp Act.



fringe upon a principle which the English race both at home and abroad have always regarded with a peculiar jealousy. The doctrine that taxation and representation are in free nations inseparably connected, that constitutional government is closely connected with the rights of property, and that no people can be legitimately taxed except by themselves or their representatives, lay at the very root of the English conception of political liberty. The same principle that had led the English people to provide so carefully in the Great Charter, in a well-known statute of Edward I, and in the Bill of Rights, that no taxation should be drawn from them except by the English Parliament, the same principle which had gradually invested the representative branch<sup>5</sup> of the Legislature with the special and peculiar function of granting supplies, led the colonists to maintain that their liberty would be destroyed if they were taxed by a Legislature in which they had no representatives, and which sat 3,000 miles from their shore. It was a principle which had been respected by Henry VIII and Elizabeth in the most arbitrary moments of their reigns, and its violation by Charles I was one of the chief causes of the Rebellion. The principle which led Hampden to refuse to pay 20s. of ship money<sup>6</sup> was substantially the same as that which inspired the resistance of the Stamp Act. It might be impossible to show by the letter of the law that there was any generical<sup>7</sup> distinction between taxing and other legislative acts, but in the constitutional traditions of the English people a broad line did undoubtedly exist. As Burke<sup>8</sup> truly said, "The great contests for

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<sup>5</sup> The House of Commons in the British Parliament.

<sup>6</sup> A tax used by Charles the First in 1634 and successive years to raise money without assent of Parliament. The tax in theory was an emergency measure to enable the King to provide a fleet for the defense of the Kingdom.

<sup>7</sup> I. e., a distinction in essential qualities.

<sup>8</sup> Edmund Burke, the Whig statesman of the second half of the eighteenth century.

freedom in this country were from the earliest times chiefly on the question of taxing." The English people have always held that as long as their representatives retain the power of the purse they will be able at least to check every extravagance of tyranny, but that whenever this is given up the whole fabric of their liberty is undermined. The English Parliament had always abstained from imposing taxes on Wales until Welsh members sat among them. When the right of self-taxation was withdrawn from Convocation,<sup>9</sup> the clergy at once assumed and exercised the privilege of voting for Members of Parliament in virtue of their ecclesiastical freeholds. The English Parliament repeatedly asserted its authority over the Parliament of Ireland, and it often exerted it in a manner which was grossly tyrannical; but it never imposed any direct tax upon the Irish people. The weighty language of Henry Cromwell,<sup>10</sup> who governed Ireland in one of the darkest periods of her history, was remembered: "I am glad," he wrote, "to hear that as well non-legal as contra-legal ways of raising money are not hearkened to. . . . Errors in raising money are the compendious ways to cause a general discontent; for whereas other things are but the concernments of some, this is of all. Wherefore, I hope God will in His mercy not lead us into temptation."

It is quite true that this theory, like that of the social contract<sup>11</sup> which has also borne a great part in the history of political liberty, will not bear a severe and philosophical examination. The opponents of the American claims were able to reply, with undoubted truth, that at least nine-tenths of the English people had no votes; that the great

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<sup>9</sup> The assembly of the clergy of the Church of England.

<sup>10</sup> Son of Oliver Cromwell, governor of Ireland under various titles, 1655-1659.

<sup>11</sup> The theory of the social contract is that when men first began living in communities together, each man by a contract with the rest of the men forming the society in question gave up certain of the rights he had before possessed, and reserved others which no government had the right to exercise over him.

manufacturing towns, which contributed so largely to the public burdens, were for the most part wholly unrepresented; that the minority in Parliament voted only in order to be systematically overruled; and that, in a country where the constituencies were as unequal as in England, that minority often represented the large majority of the voters. It was easy to show that the financial system of the country consisted chiefly of a number of particular taxes imposed on particular classes and industries, and that in the great majority of cases these taxes were levied not only without the consent but in spite of the strenuous opposition of the representatives of those who paid them. The doctrine that "whatever a man has honestly acquired is absolutely his own, and cannot without robbery be taken from him, except by his own consent," if it were applied rigidly to taxation, would reduce every society to anarchy; for there is no tax which on such principles a large proportion of the taxpayers would not be authorized in resisting. It was a first principle of the Constitution that a Member of Parliament was the representative not merely of his own constituency, but also of the whole Empire. Men connected with, or at least specially interested in, the colonies, always found their way into Parliament; and the very fact that the colonial arguments were maintained with transcendent power within its walls was sufficient to show that the colonies were virtually represented.

Such arguments gave an easy dialectic victory to the supporters of the Stamp Act; but in the eyes of a true statesman they are very insufficient. Severe accuracy of definition, refinement and precision of reasoning, are for the most part wholly out of place in practical politics. It might be true that there was a line where internal and external taxation, taxation for purposes of commerce and taxation for purposes of revenue, faded imperceptibly into one another; but still there was a broad, rough distinction between the two provinces which was sufficiently palpable to form the basis of a colonial policy. The theory con-

necting representation with taxation was susceptible of a similar justification. A Parliament elected by a considerable part of the English people, drawn from the English people, sitting in the midst of them, and exposed to their social and intellectual influence, was assumed to represent the whole nation, and the decision of its majority was assumed to be the decision of the whole. If it be asked how these assumptions could be defended, it can only be answered that they had rendered possible a form of government which had arrested the incursions of the royal prerogative,<sup>12</sup> had given England a longer period and a longer measure of self-government than was enjoyed by any other great European nation, and had created a public spirit sufficiently powerful to defend the liberties that had been won. Such arguments, however worthless they might appear to a lawyer or a theorist, ought to be very sufficient to a statesman. Manchester and Sheffield had no more direct representation in Parliament than Boston or Philadelphia; but the relations of unrepresented Englishmen and of colonists to the English Parliament were very different. Parliament could never long neglect the fierce beatings of the waves of popular discontent around its walls. It might long continue perfectly indifferent to the wishes of a population 3,000 miles from the English shore. (When Parliament taxed the English people, the taxing body itself felt the weight of the burden it imposed; but Parliament felt no part of the weight of colonial taxation, and had therefore a direct interest in increasing it. The English people might justly complain that they were taxed by a body in which they were very imperfectly represented; but this was a widely different thing from being taxed by the Legislature of another country. To adopt the powerful language of an Irish writer, no free people will ever admit "that persons distant from them 1,000 leagues are to tax them to

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<sup>12</sup> A right of government, or a power to perform certain acts of government claimed by the king as inherent in the kingly office; for the exercise of the prerogative he need give no account to his people.

what amount they please, without their consent, without knowing them or their concerns, without any sympathy of affection or interest, without even sharing themselves in the taxes they impose — on the contrary, diminishing their own burdens exactly in the degree they increase theirs."

W. E. H. Lecky: *The American Revolution, 1762-1783. Being the Chapters and Passages Relating to America from the Author's History of England in the Eighteenth Century.* Arranged and Edited by J. A. Woodburn, pp. 51-56, 75-79. D. Appleton and Co., New York, 1898.

### QUESTIONS

Name the three divisions of Grenville's policy toward the Colonies. How did he plan to make the execution of the Navigation Acts more effectual? (The policy of enforcing the acts was by no means entirely original with Grenville.) Why were the means that he employed sure to irritate the Colonists? Describe the trade of New England with the West Indies. How did rum and slaves become indirectly a part of this commerce? Why was it essential to New England's welfare? What were the provisions of the Act of 1733? How were they modified by the Act of 1764? How had the principle of no taxation without representation been illustrated in English history? Did it recognize a difference between an ordinary law and one levying a tax? How far were the English people actually represented in Parliament in the eighteenth century? Could all men vote for members of Parliament? In what sense could a part of the English people be said to be taxed without representation in Parliament? In what ways could people in England influence the House of Commons that sat in their midst even when they had no voice in choosing members? Would it be possible for the Colonists so to influence the House of Commons? In case the interests of the Colonies and the interests of England were opposed to each other, would the Colonists be able to have their side presented in Parliament as effectually as the English side would be?

## XI

### TAXATION AND REPRESENTATION

The following extracts are taken from two speeches delivered in Parliament, January 14, 1766, by William Pitt, the friend

of America, the great English minister who did so much to sustain England and lead her on to victory in the Seven Years' War. They constitute an arraignment of the policy of the Grenville ministry in passing the Stamp Act. While Pitt insists that Parliament had the full right to legislate for the Colonies, he draws a sharp line between legislation and taxation and insists that there is a practical and theoretical difference. The Englishmen were wont to insist that there was no distinction between taxation and general legislation; if Parliament had the right to do one, it had the right to do the other. With pleadings for a right of taxation based on legal reasonings and with finespun theories Pitt had no patience, though even by the precedents of English liberty taxation and representation went together; he might himself use the books of law but he prefers to demand the recognition of principles of common justice.

We should notice that England did not actually have a broad and generous basis in her own representative system, and this Pitt in part acknowledged in speaking of the rotten part of the Constitution; but the Americans, and Pitt with them, were appealing to an idea of representation that was in advance of actual English practice. These extracts are given here, not because we must necessarily hold that Parliament in strict law had no legal right to tax America, for much can be said in defense of that legal right or power, but because it is an eloquent defense of the American position; the question at bottom was not whether Parliament had the right from the legal point of view, but whether that body would recognize broad principles of justice even though those principles had not as yet full place in the English constitution, or at least in the working practice of England in those days.

It is a long time, Mr. Speaker, since I have attended in Parliament. When the resolution was taken in the House to tax America, I was ill in bed. If I could have endured to have been carried in my bed, so great was the agitation of my mind for the consequences, I would have solicited some kind hand to have laid me down on this floor, to have borne my testimony against it. It is now an act that has passed; I would speak with decency of every act of this House,

but I must beg the indulgence of the House to speak of it with freedom.

I hope a day may be soon appointed to consider the state of the nation with respect to America. I hope gentlemen will come to this debate with all the temper and impartiality that His Majesty recommends, and the importance of the subject requires.<sup>1</sup> A subject of greater importance than ever engaged the attention of this House, that subject only excepted when near a century ago it was the question whether you yourselves were to be bound, or free.<sup>2</sup> In the meantime, as I cannot depend upon health for any future day, such is the nature of my infirmities, I will beg to say a few words at present, leaving the justice, the equity, the policy, the expediency of the act, to another time. I will only speak to one point, a point which seems not to have been generally understood, I mean to the right. . . .

. . . It is my opinion, that this kingdom has no right to lay a tax upon the Colonies. At the same time, I assert the authority of this kingdom over the Colonies to be sovereign and supreme, in every circumstance of government and legislation whatsoever. They are the subjects of this kingdom, equally entitled with yourselves to all the natural rights of mankind and the peculiar privileges of Englishmen. Equally bound by its laws, and equally participating of the constitution of this free country. The Americans are the sons, . . . of England. Taxation is no part of the governing or legislative power. The taxes are a voluntary gift and grant of the Commons alone. In legislation the three estates of the realm are alike concerned, but the concurrence of the peers and the Crown to a tax, is only necessary to close with the form of a law. The gift and grant is of the Commons alone. In ancient days, the Crown, the barons, and the clergy pos-

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<sup>1</sup> The occasion of debate was the King's speech to Parliament.

<sup>2</sup> The allusion is to the Revolution of 1688, which ended forever a power the kings had claimed of overriding the laws when they saw fit.

sessed the lands. In those days, the barons and the clergy gave and granted to the Crown. They gave and granted what was their own. At present, since the discovery of America, and other circumstances permitting, the Commons are become the proprietors of the land. The Crown has divested itself of its great estates. The Church (God bless it) has but a pittance. The property of the Lords, compared with that of the Commons, is as a drop of water in the ocean: and this House represents those Commons, the proprietors of the lands; and those proprietors virtually represent the rest of the inhabitants. When, therefore, in this House we give and grant, we give and grant what is our own. But in an American tax, what do we do? We, Your Majesty's Commons of Great Britain, give and grant to Your Majesty, what? Our own property? No. We give and grant to Your Majesty, the property of Your Majesty's Commons of America. It is an absurdity in terms.

The distinction between legislation and taxation is essentially necessary to liberty. The Crown, the Peers, are equally legislative powers with the Commons. If taxation be a part of simple legislation, the Crown, the Peers, have rights in taxation as well as yourselves: rights which they will claim, which they will exercise, whenever the principle can be supported by power.

There is an idea in some that the Colonies are virtually represented in this House. I would fain know by whom an American is represented here? Is he represented by any knight of the shire<sup>3</sup> in any county in this kingdom? Would to God that respectable representation was augmented to a greater number! Or will you tell him, that he is represented by any representative of a borough—a borough which, perhaps, its own representative never saw. This is what is called "the rotten part of the constitution."

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<sup>3</sup> Members elected by the land owners; two of them sat for each shire or county.



It cannot continue the century; if it does not drop, it must be amputated. The idea of a virtual representation of America in this House is the most contemptible idea that ever entered into the head of a man; it does not deserve a serious refutation.

The Commons of America, represented in their several assemblies, have ever been in possession of the exercise of this, their constitutional right, of giving and granting their own money. They would have been slaves if they had not enjoyed it. At the same time, this kingdom, as the supreme governing and legislative power, has always bound the Colonies by her laws, by her regulations, and restrictions in trade, in navigation, in manufactures, in everything, except that of taking their money out of their pockets without their consent. . . .

Gentlemen, Sir (to the Speaker), I have been charged with giving birth to sedition in America. They have spoken their sentiments with freedom, against this unhappy act, and that freedom has become their crime. Sorry I am to hear this liberty of speech in this House imputed as a crime. . . . The gentleman<sup>4</sup> tells us America is obstinate; America is almost in open rebellion. I rejoice that America has resisted. Three millions of people so dead to all the feelings of liberty as voluntarily to submit to be slaves, would have been fit instruments to make slaves of all the rest. I came not here armed at all points, with law cases and acts of Parliament, with the statute-book doubled in dog's-ears, to defend the cause of liberty; if I had, I myself would have cited the two cases of *Chester* and *Durham*.<sup>5</sup> I would

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<sup>4</sup> George Grenville who had answered Pitt's last speech.

<sup>5</sup> A borough, or as we might inexactly say a village or town, had a right to choose members to Parliament, generally two. Many of the boroughs were ludicrously small; in some instances the houses had actually disappeared and the votes were cast by persons brought in to do the bidding of some landed aristocrat who held the title to the land<sup>a</sup> on which once, in years gone by, there were houses and people.

have cited them to have shown that, even under any arbitrary reigns, Parliaments were ashamed of taxing a people without their consent, and allowed them representatives. Why did the gentleman<sup>6</sup> confine himself to Chester and Durham? He might have taken a higher example in Wales; Wales, that never was taxed by Parliament till it was incorporated. I would not debate a particular point of law with the gentleman; I know his abilities. I have been obliged to his diligent researches. But for the defense of liberty upon a general principle, upon a constitutional principle, it is a ground on which I stand firm; on which I dare meet any man.

*The Parliamentary History of England*, Vol. XVI, pp. 98 ff. London, 1813.

#### QUESTIONS

How important did Pitt consider the principle involved in the Stamp Act? How could Pitt argue that while England could legislate for the Colonies she could not tax them? What line did Pitt draw between taxation and legislation? What historical origin did he name for the power of taxation by Parliament? Did he think America in any sense was represented in Parliament? What do you think was meant by virtual representation? (One might argue with some justice that people are virtually represented if someone is chosen from among them to speak and vote in the legislative body, when if in choosing that person only a small or even insignificant portion had the actual right to vote for such a representative. By this phrase, virtual representation, the Englishmen tried to justify their own system, in which a large proportion of the people had no actual representation in the sense that they had the suffrage.) What defects did he believe rested in the system of representation?

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<sup>6</sup> Grenville again is referred to. He had argued that Parliament had taxed the little semi-independent border states of Chester and Durham (palatinates) before they were entirely amalgamated with England and before they had representatives in Parliament.

## XII

THE LOYALISTS IN THE AMERICAN  
REVOLUTION

In one sense the American Revolution can be considered a contest in the Colonies between two parties, the Loyalists or Tories, and the supporters of the Revolution. The fact that owing to superior political skill the latter party in 1775 seized control of the governments of the thirteen Colonies should not blind us to the fact that the Colonists were very far indeed from being unanimous in the support of the Revolution. In every Colony there were very many people who resisted the Revolution in their Colonies politically as long as they could, and supported the British army wherever they were able. The following is an estimate of the importance, numbers, and composition of the Loyalist party.

As preliminary to some examination of the argumentative value of the position taken by the Loyalist party, let us inquire for a moment, what recognition may be due to them simply as persons. Who and what were the Tories of the American Revolution? As to their actual number, there is some difficulty in framing even a rough estimate. No attempt at a census of political opinions was ever made during that period; and no popular vote was ever taken of a nature to indicate, even approximately, the numerical strength of the two opposing schools of political thought. Of course, in every community there were Tories who were Tories in secret. These could not be counted, for the good reason that they could not be known. Then, again, the number of openly avowed Tories varied somewhat with variations in the prosperity of the Revolution. Still further, their number varied with variations of locality. Throughout the entire struggle, by far the largest number of Tories was to be found in the Colony of New York, particularly in the neighborhood of its chief city. Of the other middle Colonies, while there were many Tories in

New Jersey, in Delaware, and in Maryland, probably the largest number lived in Pennsylvania — a number so great that a prominent officer in the Revolutionary army described it as the “enemies’ country.” Indeed, respecting the actual preponderance of the Tory party in these two central Colonies, an eminent champion of the Revolution bore this startling testimony: “New York and Pennsylvania were so nearly divided — if their propensity was not against us — that if New England on one side and Virginia on the other had not kept them in awe, they would have joined the British.” Of the New England Colonies, Connecticut had the greatest number of Tories; and next, in proportion to population, was the district which was afterwards known as the State of Vermont. Proceeding to the Colonies south of the Potomac, we find that in Virginia, especially after hostilities began, the Tories were decidedly less in number than the Whigs. In North Carolina, the two parties were about evenly divided. In South Carolina the Tories were the more numerous party; while in Georgia their majority was so great that, in 1781, they were preparing to detach that Colony from the general movement of the rebellion, and probably would have done so, had it not been for the embarrassing accident which happened to Cornwallis at Yorktown in the latter part of that year. . . .

After the question of number, very properly comes that of quality. What kind of people were these Tories, as regards intelligence, character, and standing in their several communities?

And here, brushing aside, as unworthy of historical investigators, the partisan and vindictive epithets of the controversy — many of which, however, still survive even in the historical writings of our own time — we shall find that the Loyalists were, as might be expected, of all grades of personal worth and worthlessness; and that, while there was among them, no doubt, the usual proportion of human selfishness, malice, and rascality, as a class they

were not bad people, much less were they execrable people, as their opponents at the time commonly declared them to be.

In the first place, there was, prior to 1776, the official class, that is, the men holding various positions in the civil and military and naval services of the government, their immediate families and their social connections. All such persons may be described as inclining to the Loyalist view in consequence of official bias.

Next were certain colonial politicians who, it may be admitted, took a rather selfish and an unprincipled view of the whole dispute, and who, counting on the probable, if not inevitable, success of the British arms in such a conflict, adopted the Loyalist side, not for conscience' sake but for profit's sake, and in the expectation of being rewarded for their fidelity by offices and titles, and especially by the confiscated estates of the rebels, after the rebels themselves should have been defeated, and their leaders hanged or sent into exile.

As composing still another class of Tories, may be mentioned probably a vast majority of those who stood for the commercial interests, for the capital and the tangible property of the country, and who, with the instincts natural to persons who have something considerable to lose, disapproved of all measures for pushing the dispute to the point of disorder, riot, and civil war.

Still another class of Loyalists was made up of people of professional training and occupation—clergymen, physicians, lawyers, teachers—a clear majority of whom seem to have been set against the ultimate measures of the Revolution.

Finally, and in general, it may be said that a majority of those who, of whatever occupation, of whatever grade of culture or of wealth, would now be described as conservative people, were Loyalists during the American Revolution. And by way of concession to the authority and force of truth, what has to be said respecting the

personal quality commonly attaching to those who, in any age or country, are liable to be classed as conservative people? Will it be denied that within that order of persons one may usually find at least a fair portion of cultivation, of the moral thoughtfulness, of the personal purity and honor, existing in the entire community to which they happen to belong?

Precisely this description, at any rate, applies to the conservative class in the American Colonies during that epoch,—a majority of whom dissented from those extreme measures which at last transformed into a revolution a political movement which began with the avowed purpose of confining itself to a struggle for redress of grievances, and within the limits of constitutional opposition. If, for example, we consider the point with reference to cultivation and moral refinement, it may seem to us a significant fact that among the members of the Loyalist party are to be found the names of a great multitude of the graduates of our colonial colleges—especially of Harvard, William and Mary, Yale, Princeton, and Pennsylvania. Thus, in an act of banishment passed by Massachusetts, in September, 1778, against the most prominent of the Tory leaders in that State, one may now read the names of three hundred and ten of her citizens. And who were they? Let us go over their names. Are these the names of profligates, and desperadoes, or even of men of slight and equivocal consideration? To any one at all familiar with the history of colonial New England, that list of men, denounced to exile and loss of property on account of their opinions, will read almost like the beadrill of the oldest and noblest families concerned in the founding and upbuilding of New England civilization. Moreover, of that catalogue of three hundred and ten men of Massachusetts, banished for an offense to which the most of them appear to have been driven by conscientious convictions, more than sixty were graduates of Harvard. This fact is probably a typical one; and of the whole body

of the Loyalists throughout the thirteen Colonies, it must be said that it contained, as one of its ablest antagonists long after admitted, "more than a third of influential characters,"—that is, a very considerable portion of the customary chiefs and representatives of conservatism in each community.

M. C. Tyler: *The Loyalists in the American Revolution*, in the *American Historical Review*, 1896, Vol I, pp. 27-31.

#### QUESTIONS

In what Colonies were the Loyalists most numerous? How did their numbers compare with those of the Revolutionary party? Name the different social classes that recruited the Loyalist party. On which side were conservative members of society in general to be found? What is said of the number of college graduates among the Loyalists? What was the standing of the Loyalists banished from Massachusetts?

### XIII

#### THE UNITED STATES AFTER THE REVOLUTION

Brissot de Warville (1754-1793) is famous in the history of the French Revolution. He became a leader of the Girondist, or moderate republican, party in the Revolution and was guillotined in 1793 when his party was overthrown in the National Convention by the Jacobins, or radicals.

He viewed the United States with the ideas afterwards manifest in the French Revolution—that too great refinement in civilization with resulting distinctions between different classes in society weakens private morals and thereby renders a State corrupt. Man, he thought, was happiest living a simple life, with comfort and not luxury, meeting his fellows as social equals, with as little interference as possible from government. The United States of his day with its rural population, democratic habits and popular self-control, seemed to demonstrate his theories. Accordingly his book gives us an illustration of what was perhaps best and most characteristically American

in the life of our people in the late eighteenth century. He published his reflections in *New Travels in the United States of America Performed in 1788*.

*Letter III. Journey from Boston to New-York by land. 9th Aug., 1788.*

The distance of these towns is about two hundred and fifty miles. Many persons have united in establishing a kind of diligence, or public stage, which passes regularly for the convenience of travelers. In the summer season the journey is performed in four days.

We set out from Boston at four o'clock in the morning, and passed through the handsome town of Cambridge. The country appears well cultivated as far as Weston, where we breakfasted. Thence we passed to Worcester to dinner, forty-eight miles from Boston. This town is elegant, and well peopled: the printer, Isaiah Thomas, has rendered it famous through all the Continent. He prints most of the works which appear; and it must be granted that his editions are correct. . . . The tavern, where we had a good American dinner, is a charming house of wood, well ornamented; it is kept by Mr. Pease, one of the proprietors of the Boston stage. He has much merit for his activity and industry; but it is to be hoped he will change the present plan so far as it respects his horses: they are overdone with the length and difficulty of the courses, which ruins them in a short time, besides retarding very much the progress.

We slept the first night at Spenser, a new village in the midst of the woods. The house of the tavern was but half built; but the part that was finished had an air of cleanliness which pleases, because it announces that degree of competence, those moral and delicate habits, which are never seen in our villages. The chambers were neat, the beds good, the sheets clean, supper passable — cyder, tea, punch, and all for fourteen pence a-head. There were four of us. Now compare, my friend, this order of things



with what you have a thousand times seen in our French taverns — chambers dirty and hideous, beds infected with bugs, those insects which Sterne calls the rightful inhabitants of taverns, if indeed long possession gives a right; sheets ill-washed, and exhaling a fetid odour; bad covering, wine adulterated, and every thing at its weight in gold: greedy servants, who are complaisant only in proportion to your equipage, groveling towards a rich traveler, and insolent towards him whom they suspect of mediocrity. Such are the eternal torments of travellers in France: add to this, the fear of being robbed, the precautions necessary to be taken every night to prevent it; while, in the United States, you travel without fear, as without arms; and you sleep quietly among the woods, in an open chamber of a house whose doors shut without locks. And now judge which country merits the name of civilized, and which bears the aspect of the greatest general happiness.

We left Spenser at four o'clock in the morning. New carriage, new proprietor. It was a carriage without springs, a kind of waggon. A Frenchman who was with me began, at the first jolt, to curse the carriage, the driver, and the country. Let us wait, said I, a little, before we form a judgment: every custom has its cause; there is doubtless some reason why this kind of carriage is preferred to one hung with springs. In fact, by the time we had run thirty miles among the rocks, we were convinced that a carriage with springs would very soon have been upset and broke.

The traveller is well recompensed for the fatigue of this route by the variety of romantic situations, by the beauty of the prospects which it offers at each step, by the perpetual contrast of savage nature and the efforts of art. Those vast ponds of water, which lose themselves in the woods; those rivulets, that wash the meadow, newly snatched from uncultivated nature; those neat houses, scattered among the forests, and containing swarms of children, joyous and healthy, and well clad; those fields,

covered with trunks of trees, whose destruction is committed to the hand of time, and which are covered under the leaves of Indian corn; those oaks, which preserve still the image of their ancient vigour, but which, girdled at the bottom, raise no longer to heaven but dry and naked branches, which the first stroke of wind must bring to the earth—all these objects, so new to an European, arrest him, absorb him, and plunge him into an agreeable reverie. The depths of the forests, the prodigious size and height of the trees, call to his mind the time when the savages were the only inhabitants of this country. This ancient tree has beheld them; they filled these forests; they have now given place to another generation. The cultivator fears no more their vengeance; his musket, formerly his companion at the plow, now rests suspended in his house. Alone with his wife and children in the midst of the forests, he sleeps quietly, he labors in peace, and he is happy. Such were the ideas which occupied me the greater part of my journey: they sometimes gave place to others, arising from the view of the country houses, which are seen at small distances through all the forests of Massachusetts. Neatness embellishes them all. They have frequently but one story and a garret; their walls are papered; tea and coffee appear on their tables; their daughters, clothed in calicoes, display the traits of civility, frankness, and decency—virtues which always follow contentment and ease. Almost all these houses are inhabited by men who are both cultivators and artizans; one is a tanner, another a shoemaker, another sells goods; but all are farmers. The country stores are well assorted; you find in the same shop hats, nails, liquors. This order of things is necessary in a new settlement: it is to be hoped that it will continue; for this general retail occupies less hands, and detaches fewer from the great object of agriculture. It is not supposed that one third of the land of Massachusetts is under cultivation; it is difficult to say when it will all be so, considering the invitations of the western country

and the province of Maine. But the uncleared lands are all located, and the proprietors have inclosed them with fences of different sorts. These several kinds of fences are composed of different materials, which announce the different degrees of culture in the country. Some are composed of the light branches of trees; others, of the trunks of trees laid one upon the other; a third sort is made of long pieces of wood, supporting each other by making angles at the end; a fourth kind is made of long pieces of hewn timber, supported at the ends by passing into holes made in an upright post; a fifth is like the garden fences in England; the last kind is made of stones thrown together to the height of three feet. This last is most durable, and is common in Massachusetts. . . . A town, you know, in the interior of America, designates an extent of eight or ten miles, where are scattered a hundred or two hundred houses. . . .

*Letter V. On New York.*

. . . If there is a town on the American continent where the English luxury displays its follies, it is New York. You will find here the English fashions. In the dress of the women you will see the most brilliant silks, gauzes, hats, and borrowed hair. Equipages are rare; but they are elegant. The men have more simplicity in their dress; they disdain gewgaws, but they take their revenge in the luxury of the table.

Luxury forms already, in this town, a class of men very dangerous in society — I mean bachelors. The expence of women causes matrimony to be dreaded by men.

Tea forms, as in England, the basis of the principal parties of pleasure. Fruits, though more attended to in this State, are far from possessing the beauty and goodness of those of Europe. I have seen trees, in September, loaded at once with apples and with flowers.

M. de Crevecoeur is right in his description of the abundance and good quality of provisions at New York,

in vegetables, flesh, and especially in fish. It is difficult to unite so many advantages in one place. Provisions are dearer in New York than in any other of the northern or middle States. Many things, especially those of luxury, are dearer here than in France. A hair-dresser asks twenty shillings per month; washing costs four shillings for a dozen pieces.

Strangers who, having lived a long time in America, tax the Americans with cheating, have declared to me, that this accusation must be confined to the towns, and that in the country you will find them honest. The French are the most forward in making these complaints; and they believe that the Americans are more trickish with them than with the English. If this were a fact, I should not be astonished at it. The French whom I have seen are eternally crying up the services which their nation has rendered to the Americans, and opposing their manners and customs, decrying their government, exalting the favours rendered by the French government towards the Americans, and diminishing those of Congress to the French. . . .

These prices were about double in New York during the war to what they are now. Boarding and lodging by the week is from four to six dollars. The fees of lawyers are out of all proportion; they are, as in England, excessive. Physicians have not the same advantage in this respect as lawyers: the good health generally enjoyed here, renders them little necessary; yet they are sufficiently numerous. . . . Whilst everywhere in Europe the villages and towns are falling to ruin, rather than augmenting, new edifices are here rising on all sides. New York was in great part consumed by fire in the time of the war. The vestiges of this terrible conflagration disappear; the activity which reigns everywhere, announces a rising prosperity; they enlarge in every quarter, and extend their streets. Elegant buildings, in the English style, take place of those sharp-roofed sloping houses of the Dutch. You find some

still standing in the Dutch style; they afford some pleasure to the European observer; they trace to him the origin of this colony, and the manners of those who inhabit it. . . .

*Letter XXV. On Philadelphia, its Buildings, Police, etc.*

. . . Philadelphia may be considered as the metropolis of the United States. It is certainly the finest town, and the best built; it is the most wealthy, though not the most luxurious. You find here more men of information, more political and literary knowledge, and more learned societies. . . .

At ten o'clock in the evening all is tranquil in the streets; the profound silence which reigns there is only interrupted by the voice of the watchmen, who are in small numbers, and who form the only patrol. The streets are lighted by lamps, placed like those of London.

On the side of the streets are footways of brick, and gutters constructed of brick or wood. Strong posts are placed to prevent carriages from passing on the footways. All the streets are furnished with public pumps in great numbers. At the door of each house are placed two benches, where the family sit at evening to take the fresh air, and amuse themselves in looking at the passengers. It is certainly a bad custom, as the evening air is unhealthy, and the exercise is not sufficient to correct this evil, for they never walk here; they supply the want of walking by riding out into the country. They have few coaches at Philadelphia. You see many handsome waggons, which are used to carry the family into the country; they are a kind of long carriage, light and open, and may contain twelve persons. They have many chairs and sulkeys, open on all sides; the former may carry two persons, the latter only one. . . . Philadelphia is built on a regular plan: long and large streets cross each other at right angles: this regularity, which is a real ornament, is at first embarrassing to a stranger; he has much difficulty in finding himself, especially as the streets are not inscribed, and the doors not

numbered. It is strange that the Quakers, who are so fond of order, have not adopted these two conveniences; that they have not borrowed them from the English, of whom they have borrowed so many things. This double defect is a torment to strangers. The shops which adorn the principal streets are remarkable for their neatness.

The State-house, where the Legislature assembles, is a handsome building: by its side they are building a magnificent house of justice.

Mr. Raynal has exaggerated every thing; the buildings, the library, the streets: he speaks of streets 100 feet wide; there is none of this width, except Market-street; they are generally from 50 to 60 feet wide. He speaks of wharfs of 200 feet: there is none such here; the wharfs in general are small and niggardly. . . .

Behind the State-house is a public garden; it is the only one that exists in Philadelphia. It is not large; but it is agreeable, and one may breathe in it. It is composed of a number of verdant squares, intersected by alleys.

All the space from Front-street on the Delaware to Front-street on the Schuylkill, is already distributed into squares for streets and houses: they build here, but not so briskly as at New-York.

*Letter XXXIX. Journey from Boston to Portsmouth. October, 1788.*

I left Boston the 2d of October, after dining with my worthy friend Mr. Barret; to whom I cannot pay too sincere a tribute of praise for his amiable qualities, or of gratitude for the readiness he has manifested on all occasions in procuring me information on the objects of my research. We slept at Salem, fifteen miles from Boston; an excellent gravelly road, bordered with woods and meadows. This road passes the fine bridge of Malden, which I mentioned before, and the town of Linn remarkable for the manufacture of women's shoes. It is calculated that more than an hundred thousand pairs are annually exported from this

town. At Reading, not far from Linn, is a similar manufacture of men's shoes.

. . . It was cold, and we had a fire in a Franklin stove. These are common here, and those chimneys that have them not, are built as described by M. de Crevecoeur: they rarely smoke. The mistress of the tavern (Robinson) was taking tea with her daughters; they invited us to partake of it with them.—I repeat it, we have nothing like this in France. It is a general remark through all the United States; a tavern-keeper must be a respectable man, his daughters are well drest, and have an air of decency and civility. We had good provisions, good beds, attentive servants; neither the servants nor the coachmen ask any money. It is an excellent practice; for this tax with us not only becomes insupportable on account of the persecutions which it occasions, but it gives men an air of baseness, and accustoms to the servility of avarice.

J. P. Brissot de Warville: *New Travels in the United States of America Performed in 1788*. Second Edition, Vol. I, pp. 97-102, 128-132, 266-270, 384-386. London, 1794.

#### QUESTIONS

Compare Brissot's account of transportation from Boston to New York with that of the advertisement given in the next selection, page 70. How did Brissot think the comforts of American taverns compared with those in France? What seems to have been the position of inn-keepers in the community? What would you judge was their social position and reputation in Europe? What did Brissot think were the advantages of rural life in New England? What evidences of luxury and good living did he note in New York? Reproduce Brissot's description of the city of Philadelphia and its manners.

## XIV

HOW THE FRAMERS OF THE CONSTITUTION  
TRAVELED

This is an advertisement from a Worcester, Massachusetts, paper. It explains itself.

Stages from Portsmouth in New Hampshire, to Savannah in Georgia:

There is now a line of stages established from New Hampshire to Georgia, which go and return regularly, and carry the several mails, by order and permission of Congress.

The stages from Boston to Hartford in Connecticut set out during the winter season from the house of Levi Pease, at the sign of the New York Stage, opposite the Mall, in Boston, every Monday and Thursday morning, precisely at 5 o'clock, go as far as Worcester on the evenings of those days, and on the days following proceed to Palmer, and on the third day reach Hartford; the first stage reaches the city of New York on Saturday evening following.

The stages from New York for Boston set out on the same days, and reach Hartford at the same time as the Boston stages.

The stages from Boston exchange passengers with the stages from Hartford at Spencer, and the Hartford stages exchange with those from New York at Hartford. Passengers are again exchanged at Stratford ferry, and not again until their arrival in New York.

By the present regulation of the stages it is certainly the most convenient and expeditious way of traveling that can possibly be had in America, and in order to make it the cheapest, the proprietors of the stages have lowered their prices from four pence to three pence a mile, with liberty to passengers to carry fourteen pounds baggage.

In the summer season the stages are to run with the



mail three times in a week instead of twice, as in the winter, by which means those who take passage at Boston, in the stage which sets off on Monday morning, may arrive at New York on the Thursday evening following, and all the mails during that season are to be but four days going from Boston to New York, and so from New York to Boston.

Those who intend taking passage in the stages must leave their names and baggage the evening preceding the morning that the stage sets off, at the several places where the stages put up, and pay one half of their passage to the place where the first exchange of passengers is made, if bound so far, and if not, one half of their passage so far as they are bound.

N. B. Way passengers will be accommodated when the stages are not full at the same rate, viz., 3 pence only per mile.

Said Pease keeps good lodging, etc., for gentlemen travellers, and stabling for horses.

Boston, January 2, 1786.—*Massachusetts Spy, or the Worcester Gazette*, January 5, 1786. Ad. reprinted in.

*A Century of Population Growth*, Bureau of the Census, 1909, p. 22.

#### QUESTIONS

How many days did it require to travel from Boston to New York by stage? How much did it cost? What baggage were passengers permitted to carry?

### XV

## HOW THE DEFECTS OF THE FEDERAL UNION MAY BE REMEDIED

We have in this selection portions of No. 15 of the *Federalist*, a number written by Alexander Hamilton. The *Federalist* is made up of a series of essays written in support of the Constitution, and published in various New York newspapers, while the Constitution was before the States for adoption or rejection.

John Jay wrote five of the essays; the rest were written by James Madison and Hamilton. They were prepared in accord with a carefully devised plan; they disclose an astonishing grasp of the principles of government and of human society; and they present, in a clear and simple style, the scope, meaning, and character of the Constitution. Though written for immediate political effect, they continue to constitute a commentary on the Constitution of immense value.

The extract here given considers the anarchy and confusion that prevailed under the Articles of Confederation, and traces it to defects in the government of the United States. The conclusion is that there can be no national government in the United States unless that government has the right to exercise control not on State governments but over the persons of individual citizens.

We may, indeed, with propriety be said to have reached almost the last stage of National humiliation. There is scarcely anything that can wound the pride or degrade the character of an independent nation, which we do not experience. Are there engagements, to the performance of which we are held by every tie respectable among men? These are the subjects of constant and unblushing violation. Do we owe debts to foreigners and to our own citizens, contracted in a time of imminent peril, for the preservation of our political existence? These remain without any proper or satisfactory provision for their discharge. Have we valuable territories and important posts in the possession of a foreign power, which, by express stipulations, ought long since to have been surrendered? These are still retained, to the prejudice of our interest not less than of our rights. Are we in a condition to resent or to repel the aggression? We have neither troops, nor treasury, nor government. Are we even in a condition to remonstrate with dignity? The just imputations on our own faith in respect to the same treaty ought first to be removed. Are we entitled, by nature and compact, to a free participation in the navigation of the Mississippi? Spain excludes us from it. Is public credit an indispens-

able resource in time of public danger? We seem to have abandoned its cause as desperate and irretrievable. Is commerce of importance to national wealth? Ours is at the lowest point of declension. Is respectability in the eyes of foreign powers a safeguard against foreign encroachments? The imbecility of our Government even forbids them to treat with us: our ambassadors abroad are the mere pageants of mimic sovereignty. Is a violent and unnatural decrease in the value of land, a symptom of National distress? The price of improved land, in most parts of the country, is much lower than can be accounted for by the quantity of waste land at market, and can only be fully explained by that want of private and public confidence, which are so alarmingly prevalent among all ranks, and which have a direct tendency to depreciate property of every kind. Is private credit the friend and patron of industry? That most useful kind which relates to borrowing and lending is reduced within the narrowest limits, and this still more from an opinion of insecurity than from the scarcity of money. To shorten an enumeration of particulars which can afford neither pleasure nor instruction, it may in general be demanded, what indication is there of National disorder, poverty, and insignificance, that would befall a community so peculiarly blessed with natural advantages, as we are, which does not form a part of the dark catalogue of our public misfortunes?

This is the melancholy situation, to which we have been brought by those very maxims and councils, which would now deter us from adopting the proposed Constitution; and which, not content with having conducted us to the brink of a precipice, seem resolved to plunge us into the abyss that awaits us below. Here, my countrymen, impelled by every motive that ought to influence an enlightened people, let us make a firm stand for our safety, our tranquillity, our dignity, our reputation. Let us at last break the fatal charm which has too long seduced us from the paths of felicity and prosperity.

It is true, as has been before observed, that facts, too stubborn to be resisted, have produced a species of general assent to the abstract proposition, that there exist material defects in our National system; but the usefulness of the concession, on the part of the old adversaries of Federal measures, is destroyed by a strenuous opposition to a remedy, upon the only principles that can give it a chance of success. While they admit that the Government of the United States is destitute of energy, they contend against conferring upon it those powers which are requisite to supply that energy. They seem still to aim at things repugnant and irreconcilable; at an augmentation of Federal authority, without a diminution of State authority; at sovereignty in the Union, and complete independence in the members. . . . This renders a full display of the principal defects of the Confederation necessary, in order to show, that the evils we experience do not proceed from minute or partial imperfections, but from fundamental errors in the structure of the building, which cannot be amended otherwise than by an alteration of the first principles and main pillars of the fabric.

The great and radical vice in the construction of the existing Confederation, is in the principle of *legislation* for *States* or *Governments*, in their *corporate* or *collective capacities*, and as contradistinguished from the *individuals* of which they consist. Though this principle does not run through all the powers delegated to the Union, yet it pervades and governs those on which the efficacy of the rest depends. Except as to the rule of apportionment, the United States have an indefinite discretion to make requisitions for men and money; but they have no authority to raise either, by regulations extending to the individual citizens of America. The consequence of this is that, though in theory their resolutions concerning those objects are laws, constitutionally binding on the members of the Union, yet in practice they are mere recommendations, which the States observe or disregard at their option. . . .

There is nothing absurd or impracticable, in the idea of a league or alliance between independent nations, for certain defined purposes precisely stated in a treaty ; regulating all the details of time, place, circumstance, and quantity ; leaving nothing to future discretion ; and depending for its execution on the good faith of the parties. Compacts of this kind exist among all civilized nations, subject to the usual vicissitudes of peace and war, of observance and non-observance, as the interests or passions of the contracting powers dictate. In the early part of the present century, there was an epidemical rage in Europe for this species of compacts ; from which the politicians of the times fondly hoped for benefits which were never realized. With a view to establishing the equilibrium of power and the peace of that part of the world, all the resources of negotiation were exhausted, and triple and quadruple alliances were formed ; but they were scarcely formed before they were broken, giving an instructive but afflicting lesson to mankind, how little dependence is to be placed on treaties which have no other sanction than the obligations of good faith ; and which oppose general considerations of peace and justice to the impulse of any immediate interest or passion.

If the particular States in this country are disposed to stand in a similar relation to each other, and to drop the project of a general *discretionary superintendence*, the scheme would indeed be pernicious, and would entail upon us all the mischiefs which have been enumerated under the first head ; but it would have the merit of being at least consistent and practicable. Abandoning all views towards a Confederate Government, this would bring us to a simple alliance, offensive and defensive ; and would place us in a situation to be alternately friends and enemies of each other, as our mutual jealousies and rivalships, nourished by the intrigues of foreign nations, should prescribe to us.

But if we are unwilling to be placed in this perilous situation ; if we still adhere to the design of a National

Government, or, which is the same thing, of a superintending power under the directions of a common council, we must resolve to incorporate into our plan those ingredients, which may be considered as forming the characteristic difference between a league and a government; we must extend the authority of the Union to the persons of the citizens — the only proper objects of government.

Government implies the power of making laws. It is essential to the idea of a law, that it be attended with a sanction; or, in other words, a penalty or punishment for disobedience. If there be no penalty annexed to disobedience, the resolutions or commands which pretend to be laws, will in fact amount to nothing more than advice or recommendation. This penalty, whatever it may be, can only be inflicted in two ways; by the agency of the courts and ministers of justice, or by military force; by the *coercion* of the magistracy, or by the *coercion* of arms. The first kind can evidently apply only to men; the last kind must of necessity be employed against bodies politic, or communities or States. It is evident that there is no process of a court by which their observance of the laws can, in the last resort, be enforced. Sentences may be denounced against them for violations of their duty; but these sentences can only be carried into execution by the sword. In an association, where the general authority is confined to the collective bodies of the communities that compose it, every breach of the laws must involve a state of war; and military execution must become the only instrument of civil obedience. Such a state of things can certainly not deserve the name of Government, nor would any prudent man choose to commit his happiness to it.

There was a time when we were told that breaches by the States of the regulations of the Federal authority were not to be expected, that a sense of common interest would preside over the conduct of the respective members, and would beget a full compliance with all the constitutional requisitions of the Union. This language at the present

day would appear as wild as a great part of what we now hear from the same quarter will be thought when we shall have received further lessons from that best oracle of wisdom, experience. It at all times betrayed an ignorance of the true springs by which human conduct is actuated, and belied the original inducements to the establishment of civil power. Why has Government been instituted at all? Because the passions of men will not conform to the dictates of reason and justice without constraint. Has it been found that bodies of men act with more rectitude or greater disinterestedness than individuals? The contrary of this has been inferred by all accurate observers of the conduct of mankind; and the inference is founded on obvious reasons. Regard to reputation has a less active influence, when the infamy of a bad action is to be divided among a number, than when it is to fall singly upon one. A spirit of faction, which is apt to mingle its poison in the deliberations of all bodies of men, will often hurry the persons of whom they are composed into improprieties and excesses, for which they would blush in a private capacity. . . .

If, therefore, the measures of the Confederacy cannot be executed, without the intervention of the particular administrations, there will be little prospect of their being executed at all. The rulers of the respective members, whether they have a constitutional right to do it or not, will undertake to judge of the propriety of the measures themselves. They will consider the conformity of the thing proposed or required to their immediate interests or aims; the momentary conveniences or inconveniences that would attend its adoption. All this will be done; and in a spirit of interested and suspicious scrutiny, without that knowledge of national circumstances and reasons of state, which is essential to a right judgment, and with that strong predilection in favor of local objects, which can hardly fail to mislead the decision. The same process must be repeated in every member of which the body is constituted; and the

execution of the plans, framed by the councils of the whole, will always fluctuate on the discretion of the ill-informed and prejudiced opinion of every part. Those who have been conversant in the proceedings of popular assemblies; who have seen how difficult it often is, when there is no exterior pressure of circumstances, to bring them to harmonious resolutions on important points, will readily conceive how impossible it must be to induce a number of such assemblies, deliberating at a distance from each other, at different times, and under different impressions, long to coöperate in the same views and pursuits.

In our case, the concurrence of thirteen distinct sovereign wills is requisite under the Confederation to the complete execution of every important measure that proceeds from the Union. It has happened, as was to have been foreseen. The measures of the Union have not been executed; the delinquencies of the States have, step by step, matured themselves to an extreme which has at length arrested all the wheels of the National Government, and brought them to an awful stand. Congress at this time scarcely possess the means of keeping up the forms of administration, till the States can have time to agree upon a more substantial substitute for the present shadow of a Federal Government. Things did not come to this desperate extremity at once. The causes which have been specified produced at first only unequal and disproportionate degrees of compliance with the requisitions of the Union. The greater deficiencies of some States furnished the pretext of example, and the temptation of interest to the complying, or to the least delinquent States. Why should we do more in proportion than those who are embarked with us in the same political voyage? Why should we consent to bear more than our proper share of the common burden? These were suggestions which human selfishness could not withstand, and which even speculative men, who looked forward to remote consequences, could not without hesitation combat. Each State, yielding to the



persuasive voice of immediate interest or convenience, has successively withdrawn its support, till the frail and tottering edifice seems ready to fall upon our heads, and to crush us beneath its ruins.

PUBLIUS.

The *Federalist*, Edited by Henry B. Dawson, Vol. I, pp. 91-100. New York, 1863.

#### QUESTIONS

Explain the allusions to slights on the United States by foreign powers. Why was the Congress of the Confederation unable to resent them? What was the condition of commerce and internal credit? Was its condition traceable in Hamilton's opinion to economic causes or to the instability of the government? Under the Articles of Confederation could Congress legislate for States or State governments, or for individuals? Had experience shown that reliance on the willingness of the State governments to live up to their obligations under the Articles was well placed? In effect, was there any difference between the Confederation and an alliance of independent States? Explain carefully the difference between a coercion by arms and a coercion by the magistrate or by law. Which form would be applicable to States? If coercion is frequently applied to States, what is likely to be the result? What was the difficulty of enforcing orders of the Congress, which must in last resort be carried into effect by the action of the State governments? If certain of those governments refused to obey requisitions on them for men or money could the Congress of the Confederation force them to comply? What was the effect on States, that formerly contributed their quota, of seeing that certain States neglected to bear their share of the burden and did it with impunity?

#### XVI

#### THE FEDERAL CONVENTION, 1787

The debates in the Federal Convention were not reported or taken down by an official reporter, the secretary's minutes are meager in the extreme, and the sessions were rigidly secret; there were no newspaper reports of what was done. We know what took place in that assembly, the most important in our history, from notes made by some of the delegates, and above all from notes made by James Madison with characteristic in-

dustry and intelligence. Had it not been for Madison's faithful toil, we should have had little idea of the real discussions of the Convention. The extracts given below from Madison's *notes*, sometimes called Madison's *Journal*, include: first, a portion of his introduction, written some years after the Convention met, in which he explains the circumstances under which the Convention was called, the reasons inducing him to take notes, and the method he followed; second, Franklin's appeal on the last day for cordial support of the new Constitution.

As a natural consequence of this distracted and disheartening condition of the Union, the Federal authority had ceased to be respected abroad, and dispositions were shown there, particularly in Great Britain, to take advantage of its imbecility, and to speculate on its approaching downfall. At home it had lost all confidence and credit; the unstable and unjust career of the States had also forfeited the respect and confidence essential to order and good government, involving a general decay of confidence and credit between man and man. It was found, moreover, that those least partial to popular government, or most distrustful of its efficacy, were yielding to anticipations, that from an increase of the confusion a government might result more congenial with their taste or their opinions; whilst those most devoted to the principles and forms of Republics were alarmed for the cause of liberty itself, at stake in the American experiment, and anxious for a system that would avoid the inefficacy of a mere Confederacy, without passing into the opposite extreme of a consolidated government. It was known that there were individuals who had betrayed a bias towards monarchy, and there had always been some not unfavorable to a partition of the Union into several confederacies, either from a better chance of figuring on a sectional theater, or that the sections would require stronger governments, or by their hostile conflicts lead to a monarchical consolidation. The idea of dismemberment had recently made its appearance in the newspapers.

Such were the defects, the deformities, the diseases and the ominous prospects, for which the Convention were to provide a remedy, and which ought never to be overlooked in expounding and appreciating the constitutional charter, the remedy that was provided.

As a sketch on paper, the earliest, perhaps, of a constitutional government for the Union (organized into the regular departments, with physical means operating on individuals) to be sanctioned by *the people of the States*, acting in their original and sovereign character, was contained in the letters of James Madison to Thomas Jefferson of the 19th of March; to Governor Randolph of the 8th of April; and to General Washington of the 16th of April, 1787, for which see their respective dates.

The feature in these letters which vested in the general authority a negative on the laws of the States, was suggested by the negative in the head of the British Empire, which prevented collisions between the parts and the whole, and between the parts themselves. It was supposed that the substitution of an elective and responsible authority for an hereditary and irresponsible one, would avoid the appearance even of a departure from Republicanism. But although the subject was so viewed in the Convention, and the votes on it were more than once equally divided, it was finally and justly abandoned, as, apart from other objections, it was not practicable among so many States, increasing in number, and enacting, each of them, so many laws. Instead of the proposed negative, the objects of it were left as finally provided for in the Constitution.

On the arrival of the Virginia deputies at Philadelphia, it occurred to them, that, from the early and prominent part taken by that State in bringing about the Convention, some initiative step might be expected from them. The resolutions introduced by Governor Randolph were the result of consultation on the subject, with an understanding that they left all the deputies entirely open to the lights of discussion, and free to concur in any alterations or modifi-

cations which their reflections and judgments might approve. The resolutions, as the Journals show, became the basis on which the proceedings of the Convention commenced, and to the developments, variations and modifications of which the plan of government proposed by the Convention may be traced.

The curiosity I had felt during my researches into the history of the most distinguished confederacies, particularly those of antiquity, and the deficiency I found in the means of satisfying it, more especially in what related to the process, the principles, the reasons, and the anticipations, which prevailed in the formation of them, determined me to preserve, as far as I could, an exact account of what might pass in the Convention while executing its trust; with the magnitude of which I was duly impressed, as I was by the gratification promised to future curiosity by an authentic exhibition of the objects, the opinions, and the reasonings, from which the new system of government was to receive its peculiar structure and organization. Nor was I unaware of the value of such a contribution to the fund of materials for the history of a Constitution on which would be staked the happiness of a people great even in its infancy, and possibly the cause of liberty throughout the world.

In pursuance of the task I had assumed, I chose a seat in front of the presiding member, with the other members on my right and left hands. In this favorable position for hearing all that passed, I noted, in terms legible and in abbreviations and marks intelligible, to myself, what was read from the chair or spoken by the members; and, losing not a moment unnecessarily between the adjournment and reassembling of the Convention, I was enabled to write out my daily notes during the session, or within a few finishing days after its close, in the extent and form preserved, in my own hand, on my files.

In the labor and correctness of this, I was not a little aided by practice, and by a familiarity with the style and

the train of observation and reasoning which characterized the principal speakers. It happened, also, that I was not absent a single day, nor more than a casual fraction of an hour in any day, so that I could not have lost a single speech, unless a very short one.

It may be proper to remark, that, with a very few exceptions, the speeches were neither furnished, nor revised, nor sanctioned by the speakers, but written out from my notes, aided by the freshness of my recollections. A further remark may be proper, that views of the subject might occasionally be presented, in the speeches and proceedings, with a latent reference to a compromise on some middle ground by mutual concessions. The exceptions alluded to were,—first, the sketch furnished by Mr. Randolph of his speech on the introduction of his propositions, on the 29th of May; secondly, the speech of Mr. Hamilton, who happened to call on me when putting the last hand to it, and who acknowledged its fidelity, without suggesting more than a very few verbal alterations which were made; thirdly, the speech of Gouverneur Morris on the 2d of May, which was communicated to him on a like occasion, and who acquiesced in it without even a verbal change. The correctness of his language and the distinctness of his enunciation were particularly favorable to a reporter. The speeches of Dr. Franklin, excepting a few brief ones, were copied from the written ones read to the Convention by his colleague, Mr. Wilson, it being inconvenient to the doctor to remain long on his feet.

Of the ability and intelligence of those who composed the Convention the debates and proceedings may be a test; as the character of the work which was the offspring of their deliberations must be tested by the experience of the future, added to that of nearly half a century which has passed.

But whatever may be the judgment pronounced on the competency of the architects of the Constitution, or whatever may be the destiny of the edifice prepared by them,

I feel it a duty to express my profound and solemn conviction, derived from my intimate opportunity of observing and appreciating the views of the Convention, collectively and individually, that there never was an assembly of men, charged with a great and arduous trust, who were more pure in their motives, or more exclusively or anxiously devoted to the object committed to them, than were the members of the Federal Convention of 1787 to the object of devising and proposing a constitutional system which should best supply the defects of that which it was to replace, and best secure the permanent liberty and happiness of their country.

MONDAY, SEPTEMBER 17.

*In Convention.*—The engrossed Constitution being read—DR. FRANKLIN rose with a speech in his hand, which he had reduced to writing for his own convenience, and which Mr. Wilson read in the words following:—

“MR. PRESIDENT:

“I confess that there are several parts of this Constitution which I do not at present approve, but I am not sure I shall never approve them. For, having lived long, I have experienced many instances of being obliged by better information, or fuller consideration, to change opinions, even on important subjects, which I once thought right but found to be otherwise. It is therefore that, the older I grow, the more apt I am to doubt my own judgment, and to pay more respect to the judgment of others. Most men, indeed, as well as most sects in religion, think themselves in possession of all truth, and that wherever others differ from them, it is so far error. Steele, a Protestant, in a dedication, tells the Pope, that the only difference between our churches, in their opinions of the certainty of their doctrines, is ‘the Church of Rome is infallible, and the Church of England is never in the wrong.’ But though many private persons think almost as highly of their own

infallibility as of that of their sect, few express it so naturally as a certain French lady, who, in a dispute with her sister, said, 'I don't know how it happens, sister, but I meet with nobody but myself that is always in the right — *il n'y a que moi qui a toujours raison.*'

"In these sentiments, sir, I agree to this Constitution, with all its faults, if they are such; because I think a General Government necessary for us, and there is no form of government, but what may be a blessing to the people if well administered; and believe further that this is likely to be well administered for a course of years, and can only end in despotism, as other forms have done before it, when the people shall become so corrupted as to need despotic government, being incapable of any other. I doubt, too, whether any other Convention we can obtain may be able to make a better Constitution. For when you assemble a number of men to have the advantage of their joint wisdom, you inevitably assemble with those men all their prejudices, their passions, their errors of opinion, their local interests and their selfish views. From such an assembly can a perfect production be expected? It therefore astonishes me, sir, to find this system approaching so near to perfection as it does; and I think it will astonish our enemies, who are waiting with confidence to hear that our councils are confounded, like those of the builders of Babel; and that our States are on the point of separation, only to meet hereafter for the purpose of cutting one another's throats. Thus I consent, sir, to this Constitution, because I expect no better, and because I am not sure that it is not the best. The opinions I have had of its errors I sacrifice to the public good. I have never whispered a syllable of them abroad. Within these walls they were born, and here they shall die. If everyone of us, in returning to our constituents, were to report the objections he has had to it, and endeavor to gain partisans in support of them, we might prevent its being generally received, and thereby lose all the salutary effects and great advantages

resulting naturally in our favor among foreign nations, as well as among ourselves, from our real or apparent unanimity. Much of the strength and efficiency of any government, in procuring and securing happiness to the people, depends on opinion — on the general opinion of the goodness of the government as well as of the wisdom and integrity of its governors. I hope, therefore, that for our own sakes as a part of the people, and for the sake of posterity, we shall act heartily and unanimously in recommending this Constitution (if approved by Congress and confirmed by the conventions) wherever our influence may extend, and turn our future thoughts and endeavors to the means of having it well administered.

“On the whole, sir, I cannot help expressing a wish that every member of the Convention who may still have objections to it, would with me, on this occasion, doubt a little of his own infallibility, and to make manifest our unanimity, put his name to this instrument.” He then moved that the Constitution be signed by the members, and offered the following as a convenient form, viz.: “Done in Convention by the unanimous consent of *the States* present, the seventeenth of September, &c. In witness whereof we have hereunto subscribed our names.” . . .

The Constitution being signed by all the members, except Mr. Randolph, Mr. Mason and Mr. Gerry, who declined giving it the sanction of their names, the Convention dissolved itself by an adjournment *sine die*.

Whilst the last members were signing, DOCTOR FRANKLIN, looking towards the President's chair, at the back of which a rising sun happened to be painted, observed to a few members near him that painters had found it difficult to distinguish in their art a rising from a setting sun. “I have,” said he, “often and often in the course of the session, and the vicissitudes of my hopes and fears as to its issue, looked at that behind the President, without being able to tell whether it was rising or setting; but now at



length, I have the happiness to know that it is a rising, and not a setting sun."

*Debates on the Adoption of the Federal Constitution*, by James Madison. Revised and Newly Arranged by Jonathan Elliot, pp. 120-122; 554-5; 565. Washington, 1845.

#### QUESTIONS

In 1787, what was the general opinion of the stability and permanence of the United States under the Articles of Confederation? How had the weakness of Congress injured the United States at home and abroad? What fears were entertained by Madison: (a) of the breaking up of the Union? (b) of the establishment of a monarchy? What led Madison to take his notes of the proceedings of the Convention? What was his method? How accurate and complete did he think his notes were? What reasons did Franklin give for a cordial support by all to the Constitution?

### XVII

#### THE FRAMERS OF THE CONSTITUTION

William Pierce was a delegate from Georgia to the Federal Convention. His notes are not extensive, but they contain interesting material. A good exercise in the use of historical materials is afforded by the following excerpts. For instance, note that in almost all cases Pierce is inaccurate in his estimate of the ages of the members of the Convention; as inaccurate as any man would be who undertook to guess at the ages of the men he chanced to be associated with for a few months. He is none too accurate in his accounts of their early lives and political careers in their own States; these things of course being in great part derived from hearsay. But his characterizations of the men themselves, of their personal appearance, habits of speech and thought, of their characters as they appear in debate, are excellent. Note his complete lack of animus against any particular person.

Mr. King is a Man much distinguished for his eloquence and great parliamentary talents. He was educated in Massachusetts, and is said to have good classical as well

as legal knowledge. He has served for three years in the Congress of the United States with great and deserved applause, and is at this time high in the confidence and approbation of his Countrymen. This Gentleman is about thirty-three years of age,<sup>1</sup> about five feet ten Inches high, well formed, an handsome face, with a strong expressive Eye, and a sweet high toned voice. In his public speaking there is something peculiarly strong and rich in his expression, clear, and convincing in his arguments, rapid and irresistible at times in his eloquence, but he is not always equal. His action is natural, swimming, and graceful, but there is a rudeness of manner sometimes accompanying it. But take him *tout ensemble*, he may with propriety be ranked among the Luminaries of the present Age.

Dr. Johnson is a character much celebrated for his legal knowledge; he is said to be one of the first classics in America, and certainly possesses a very strong and enlightened understanding.

As an Orator, in my opinion, there is nothing in him that warrants the high reputation which he has for public speaking. There is something in the tone of his voice not pleasing to the Ear, but he is eloquent and clear, always abounding with information and instruction. He was once employed as an Agent for the State of Connecticut to state her claims to certain landed territory before the British House of Commons; this Office he discharged with so much dignity, and made such an ingenious display of his powers, that he laid the foundation of a reputation which will probably last much longer than his own life. Dr. Johnson is about sixty years of age, possesses the manners of a Gentleman, and engages the Hearts of Men by the sweetness of his temper, and that affectionate style of address with which he accosts his acquaintance.

Mr. Sherman exhibits the oddest shaped character I ever

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<sup>1</sup> King was born in 1755.

remember to have met with. He is awkward, unmeaning, and unaccountably strange in his manner. But in his train of thinking there is something regular, deep, and comprehensive; yet the oddity of his address, the vulgarisms that accompany his public speaking, and that strange New England cant which runs through his public as well as his private speaking make everything that is connected with him grotesque and laughable; and yet he deserves infinite praise, no Man has a better Heart or a clearer Head. If he cannot embellish, he can furnish thoughts that are wise and useful. He is an able politician and extremely artful in accomplishing any particular object;—it is remarked that he seldom fails. I am told he sits on the Bench in Connecticut, and is very correct in the discharge of his Judicial functions. In the early part of his life he was a Shoe-maker; but despising the lowness of his condition he turned Almanack-maker, and so progressed upwards to a Judge. He has been several years a Member of Congress, and discharged the duties of his Office with honor and credit to himself, and advantage to the State he represented. He is about 60.<sup>2</sup>

Mr. Elsworth<sup>3</sup> is a Judge of the Supreme Court in Connecticut; he is a Gentleman of a clear, deep, and copious understanding; eloquent, and connected in public debate; and always attentive to his duty. He is very happy in a reply, and choice in selecting such parts of his adversary's arguments as he finds make the strongest impressions—in order to take off the force of them, so as to admit the power of his own. Mr. Elsworth is about 37 years of age, a Man much respected for his integrity and venerated for his abilities.

Col. Hamilton is deservedly celebrated for his talents. He is a practitioner of the Law, and reputed to be a finished

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<sup>2</sup> Sherman was born in 1721.

<sup>3</sup> Elsworth [Ellsworth] had been a judge of the Superior Court of Connecticut. He was born in 1745.

Scholar. To a clear and strong judgment he unites the ornaments of fancy, and whilst he is able, convincing, and engaging in his eloquence, the Heart and Head sympathize in approving him. Yet there is something too feeble in his voice to be equal to the strains of oratory—it is my opinion that he is rather a convincing Speaker, that [than] a blazing Orator. Col. Hamilton requires time to think, he inquires into every part of his subject with the searchings of philosophy, and when he comes forward he comes highly charged with interesting matter, there is no skimming over the surface of a subject with him, he must sink to the bottom to see what foundation it rests on. His language is not always equal, sometimes didactic like Bolingbroke's, at others light and tripping like Stern's. His eloquence is not so defusive as to trifle with the senses, but he rambles just enough to strike and keep up the attention. He is about 33 years<sup>4</sup> old, of small stature, and lean. His manners are tinged with stiffness, and sometimes with a degree of vanity that is highly disagreeable.

Mr. Wilson ranks among the foremost in legal and political knowledge. He has joined to a fine genius all that can set him off and show him to advantage. He is well acquainted with Man, and understands all the passions that influence him. Government seems to have been his peculiar Study, all the political institutions of the World he knows in detail, and can trace the causes and effects of every revolution from the earliest stages of the Grecian commonwealth down to the present time. No man is more clear, copious, and comprehensive than Mr. Wilson, yet he is no great Orator. He draws the attention not by the charm of his eloquence, but by the force of his reasoning. He is about 45 years old.

Mr. Gouverneur Morris is one of those Genius's in whom every species of talents combine to render him conspicuous

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<sup>4</sup> Hamilton was born in 1757.

and flourishing in public debate. He winds through all the mazes of rhetoric, and throws around him such a glare that he charms, captivates, and leads away the senses of all who hear him. With an infinite stretch of fancy he brings to view things when he is engaged in deep argumentation, that render all the labor of reasoning easy and pleasing. But with all these powers he is fickle and inconstant, never pursuing one train of thinking, nor ever regular. He has gone through a very extensive course of reading, and is acquainted with all the sciences. No Man has more wit, nor can anyone engage the attention more than Mr. Morris. He was bred to the Law, but I am told he disliked the profession, and turned Merchant. He is engaged in some great mercantile matters with his namesake Mr. Rob<sup>t</sup>. Morris. This Gentleman is about 38 years old, he has been unfortunate in losing one of his Legs, and getting all the flesh taken off his right arm by a scald, when a youth.<sup>5</sup>

Mr. Maddison is a character who has long been in public life; and, what is very remarkable, every Person seems to acknowledge his greatness. He blends together the profound politician, with the Scholar. In the management of every great question he evidently took the lead in the Convention, and tho' he cannot be called an Orator, he is a most agreeable, eloquent, and convincing Speaker. From a spirit of industry and application which he possesses in a most eminent degree, he always comes forward the best informed Man of any point in debate. The affairs of the United States, he perhaps has the most correct knowledge of, of any Man in the Union. He has been twice a Member of Congress, and was always thought one of the ablest Members that ever sat in that Council. Mr. Maddison is about 37 years<sup>6</sup> of age, a Gentleman of great modesty, with

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<sup>5</sup> Gouverneur Morris was born in 1752. He lost a leg because of an accident with a runaway carriage in 1780. No accident, as far as we know, injured his arm, at least permanently.

<sup>6</sup> Madison was born in 1751.

a remarkably sweet temper. He is easy and unreserved among his acquaintance, and has a most agreeable style of conversation.

Mr. Chs. Cotesworth Pinckney is a Gentleman of Family and fortune in his own State. He has received the advantage of a liberal education, and possesses a very extensive degree of legal knowledge. When warm in a debate he sometimes speaks well, but he is generally considered an indifferent Orator. Mr. Pinckney was an Officer of high rank in the American Army, and served with great reputation through the War. He is now about 40 years of age.

Mr. Charles Pinckney is a young Gentleman of the most promising talents. He is, altho' 24 years of age,<sup>7</sup> in possession of a very great variety of knowledge. Government, Law, History, and Philosophy are his favorite studies, but he is intimately acquainted with every species of polite learning, and has a spirit of application and industry beyond most Men. He speaks with great neatness and perspicuity, and treats every subject as fully, without running into prolixity, as it requires. He has been a Member of Congress, and served in that Body with ability and éclat.

Mr. Baldwin is a Gentleman of superior abilities, and joins in a public debate with great art and eloquence. Having laid the foundation of a compleat classical education at Harvard College, he pursues every other study with ease. He is well acquainted with Books and Characters, and has an accommodating turn of mind, which enables him to gain the confidence of Men, and to understand them. He is a practicing Attorney in Georgia, and has been twice a member of Congress. Mr. Baldwin is about 38 years<sup>7</sup> of age.

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<sup>7</sup> Baldwin was born in 1754. He was educated at Yale, not Harvard. Charles Pinckney was born in 1758.

*Notes of Major William Pierce on the Federal Convention of 1787, in the American Historical Review, 1897-8. Vol. III, pp. 325 ff.*

#### QUESTIONS

If you were writing an account of the Convention, what facts regarding its members would you think it safe to adopt from these notes? Which facts would you reject? How would you undertake to supply facts such as you would not trust Pierce for?

### XVIII

#### THE CONSTITUTION

It is difficult for us at this day to know just what the Constitution meant to the men of 1788. Not that the document is clumsily and awkwardly written — on the contrary, it is as clear as well chosen words and clever phrasing can make it, and perhaps as definite and precise as the conditions of the problem permitted; but it is short, its terms are general and not sharply descriptive in all particulars; probably no document which outlined at length with great particularity the form of government and the methods of its work could have been framed by the men at Philadelphia or been adopted by the States. Precise details would have given too much opportunity for differences of opinion. As the Constitution was general and broad in its terms, it furnished opportunity for growth and for adaptation to actual needs as they arose. The theory always has been that the Constitution is unvarying save as it is amended by formal process (*See Const., Art. V*); but the Constitution has grown in its meaning by constant interpretation and by the actual development of government under it. And, more than that, almost every phrase has been given meaning either by the courts, in cases they have decided, or by the practical action of the government.

When we look upon the Constitution now, therefore, and when we read its clauses, we gather a definite mean-

ing about many things that could have had no definite meaning to the men who adopted it. We see actual working institutions like the presidency, courts, Congress, administrative officers; we see the government as a real thing at work; we find that we know and take for granted the relations between the different departments. In reading the Constitution we must always remember that after it was first adopted the government had to be made a reality, that the government has grown tremendously, that there have been, all along the line, chances for differences of opinion as to just how much should be done, and, moreover and above all, that the forms, offices, activities of government, were taken on little by little. Any consideration of the Constitution requires that we should remember that it means to us more than it meant one hundred and twenty-five years ago.

Some things were plainly provided for by the document as it came from the hands of its framers; and to the men discussing it in 1788 there were things no one could fail to see. There was provision for a central government with wide powers and capable of being strong and effective. This government no longer like the old Congress need depend on State governments<sup>1</sup> for action; it could pass its own laws and carry them into effect with its own officers; it could raise money for its own purpose; and it could carry on negotiations with foreign powers, with assurance that it was a government, a government that could raise troops and equip navies and do other things that great world governments were accustomed to do. Even those that believed that the States retained the right to secede or break up the Union—if such there were in 1789—

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<sup>1</sup> State legislatures were to choose senators and the right to vote even for the president was to be determined by State laws (*See* Const., Art. I, Sec. 3, Par. 1 and Art. I, Sec. 2, Par. 1). But on the whole the governments of the States and of the United States work apart.



could and would not deny that the intention of the Constitution was to make an effective government over men as men.

It was plain, too, that the Constitution provided for dividing powers or for distributing them between the States or their governments, on the one hand, and the central government on the other. Certain powers were given to the national government and it was from the first supposed that this government had only the power granted.<sup>2</sup> The powers thus bestowed were intended to be those of a general character, those which experience and theory pointed to as the ones which, for the good of the whole, should be committed to one central authority, those, in other words, which, like the management of the post office, the making of treaties, the regulation of coins and coinage, the conduct of war, could not wisely be left to the individual States. In speaking of a body like the United States in which there are numerous governments and in which there is one central authority with certain powers, we use the term "federal state," a term distinguishing it from a body politic like France which we call a unitary state. The Constitution of the United States is noteworthy because it did mark the establishment of this kind of state, what was called by the men of 1788 a "Confederated Republic."<sup>3</sup>

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<sup>2</sup>This was made undeniably evident by the Tenth Amendment (*See*) which we must consider interpretative only and not a real addition of a new principle. *See*, also, the doctrine of implied powers discussed in McLaughlin, *A Hist. of the Am. Nation*, pp. 205-6; MacDonald, *Select Documents*, pp. 83, 84, 87; No. XIX, *post*.

<sup>3</sup>I do not wish here to beg the question as to whether in 1788 or 9 the men believed that the Constitution established only a closer relation between many States, each one retaining its ultimate right of withdrawing—the doctrine of State sovereignty (*See* McLaughlin's *A Hist. of Am. Nation*, pp. 299-300). But even with State sovereignty, the central government had the right to act on men rather than apply to governments; not even the advocates of State sovereignty, as they afterwards spoke, would deny that the United States was something more than an old fashioned alliance. And even if

If one looks at the Constitution even hastily he will see that it is divided into distinct parts and that each on the whole treats of a particular line of subjects. The Preamble indicates the purpose in establishing the Constitution, a purpose evidently based on the trying experiences of the old Confederation when the tie of union was only a "rope of sand" and when the "new roof," to use the expressive words of the day, was not yet set up to shelter the States and the people in their newly found liberties. Then come seven Articles.

First is an article (Article I) dealing with the legislative department, providing for a House of Representatives and a Senate, the House to be made up of members chosen by the people in the various States, the Senate to consist of members chosen by the legislatures of the various States,<sup>4</sup> each State sending two senators. In this article we find the powers delegated to the central government, for though the powers are in so many words delegated to Congress it is a reasonable supposition that the other departments of government must have powers that naturally result; the president, for example, would naturally have the right to execute the laws made by Congress in pursuance of the powers thus delegated. This Article also includes a statement of certain things that cannot be done (*See* Art. I, Sec. 9) and certain restrictions upon the States.

The second article provides for a president and vice-president to be chosen by electors chosen in the States, a provision which soon caused difficulties in operation, especially as the Constitution said that each elector should cast a ballot for two persons for president and that the one person having the highest number, if a majority, should be

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the question whether the United States was more than a mere body of States had to be tried out and settled by war, there can be no doubt, first, that it became a federal state in the course of time, second, that the government always acted with authority as possessor of great political powers.

<sup>4</sup> Changed by Amendment XVII, which *see*.

president, and the one receiving the next highest number should be vice-president. This brought in the Twelfth Amendment which was adopted in 1804. To the president as executive authority the Constitution gives the duty of seeing that the laws are carried out, and he is also given the power of dealing with ambassadors and representatives from foreign countries and likewise the very significant and, as it proved, arduous, task of appointing to office with the consent of the Senate.

Article III deals with the courts; it declares that there shall be one supreme court, but does not say how many judges there shall be or just what its duties shall be, save that in most cases it is to be a court of appeal only. Here we find, also, the general description of the jurisdiction of the judiciary, that is to say the kind of cases that can in general be brought before the federal courts as distinguished from state courts. Some kinds of cases evidently could be brought before either the federal or the state courts, and such has always been the practice, for example controversies between citizens of different States. The general plan of the court system and principles defining the operation of the courts were left in large degree to Congress, and grew up partly by reason of legislation, partly by determinations and decisions of the courts themselves.<sup>5</sup> It should especially be noticed that the Constitution does not in so many words give the power to the Supreme Court or any court to declare a law of Congress unconstitutional and hence void. That power, first plainly exercised in 1803,<sup>6</sup> was declared by the court to be within its power because the Constitution is a law; it is the duty of courts to declare what the law is; and therefore any act contrary to the Constitution could not be law.

The fourth article deals chiefly with relations between the States of the Union—the duty and obligation of ex-

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<sup>5</sup> See McLaughlin's *A Hist. of Amer. Nation*, pp. 203, 224-5.

<sup>6</sup> See *ibid.*, pp. 224-5.

tradition, i.e., the surrender of fugitives from justice; the principle that persons held to service should not, by escaping into another State, become free<sup>7</sup>—the so-called “fugitive slave clause”; the right of Congress to admit new States into the Union.

In the fifth article we have a statement as to the method of amendment. Two methods are provided; but in the course of time only one has been used. Congress, by a two-thirds vote of both Houses, has proposed amendments to the States; they are considered parts of the Constitution when ratified by three-fourths of the legislatures of the States. In this way, as we shall see, seventeen amendments have been adopted.

The sixth article after declaring that the debts contracted under the old Confederation should be valid against the United States, announces that the Constitution, laws and treaties of the United States “shall be the supreme law of the land”; and that “the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.” This is an important section because it means that any State law or constitution at variance with the Constitution, laws or treaties of the United States, cannot be legally held to be good and binding law even in the State courts presided over by State judges. This was a principle which, it was hoped, would hold the States and prevent their enforcing laws that violated the Constitution or the constitutionally made laws or treaties of the Union. The courts of the States were called on to disregard such State action.

Finally in the seventh article it is declared that the ratification of the conventions of nine States shall be sufficient for the establishment of the Constitution. It was submitted to conventions in the States—not to the legislatures

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<sup>7</sup>An act on this matter was passed by Congress in 1793. See, also, the great discussion in connection with the Compromise of 1850, McLaughlin, *A Hist. of the Am. Nation*, pp. 344-8.

—for final adoption, and was ratified by eleven conventions before the end of 1788. North Carolina and Rhode Island did not ratify till after the new government went into operation.

In the course of time seventeen amendments have been adopted. The first ten may almost be considered a part of the original Constitution because they were adopted soon after the creation of the government; they were intended to be in the nature of a bill of rights, announcing principles of liberty and placing explicit restrictions on the national government.<sup>8</sup> The Eleventh Amendment, declared in force in 1798, defines more strictly the power of the federal courts, by declaring that the courts of the United States has no jurisdiction over suits brought against a State by citizens of a State or of a foreign state. The Twelfth (1804) makes a change in the method of electing the president. The Thirteenth, Fourteenth and Fifteenth<sup>9</sup> were the products of the Civil War; and of these the Fourteenth, in its first section placing restrictions on the States, has become of great importance. When it declares that no person shall be deprived of life, liberty, or property without due process of law or be denied the equal protection of the laws, it practically gives to the federal courts the right of declaring void an act of a State legislature which in the opinion of the courts violates this provision; thus the Federal Supreme Court may refuse to recognize as valid an act which appears to be contrary to fundamental principles of justice; and this power has been of great moment in recent years when the States have passed acts concerning the charges and duties of corporations; for the courts have held that, under this clause of the Constitution, corporations are persons; they cannot be arbitrarily

<sup>8</sup> See reference to bill of rights of Virginia in McLaughlin's *A Hist. of the Am. Nation*, p. 162; see also, p. 196. What is the bill of rights in your own State constitution?

<sup>9</sup> See McLaughlin's *A Hist. of the Am. Nation*, pp. 426, 473, 438-441, 446.

deprived of property or made to accept such low prices for services as to destroy the value of their property.

The last two amendments are products of very modern conditions, the Sixteenth changing the old rule about direct taxes,<sup>10</sup> and the Seventeenth providing for the popular election of senators.

The plan of the Constitution, its general idea, as we have already said, was to leave the great mass of powers with the States and to turn over to the general government only specific powers. To the general or central government went indeed authority to make laws on very important subjects; its powers are more striking, more august one might say; and yet as a rule the relations between man and man were left to State law and State authority. The vast number of laws that you and I in our daily life come into contact with, which we know about and which deeply affect our well-being, are either State laws or acts and ordinances passed by inferior bodies subordinate to the State, like city councils. To the States were left by the Constitution, and are still left, such great powers and political duties as the power to provide for education, to control the subjects of marriage and divorce, to preserve the peace, to punish criminals, to provide for the title to property and the laws whereby one may buy and sell, to make corporations, to establish cities and towns and give them rights of local self-government. If one is daily more and more impressed by the activities and the responsibilities of the government at Washington, the government which can make war and peace and pass tariff laws — if the government has year by year extended and widened its functions and is more and more acting broadly for public welfare, still the governments of the States and the local governments in the States are the ones we see; their laws are the ones we are likely most immediately to

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<sup>10</sup> See Const., Art. I, Sec. 2, Par. 3, and Art. I, Sec. 9, Par. 4; McLaughlin, *ibid.*, p. 508.

feel. It is still true that one might possibly pass his lifetime in America without seeing or knowing a United States officer save a letter carrier or a postmaster.

A. C. McLAUGHLIN.

### QUESTIONS

How has the Constitution been adapted without amendment to the changing needs of the Nation? Explain in your own words the sense in which the Constitution of the United States means more now than it did when it was framed? In what important particular did the government ordained by the Constitution differ from the government of the Confederation? What did the men of 1788 sometimes call the system established by the Constitution? Explain the difference between a federal and a unitary state. In general what powers did the Constitution assign the Federal Government? What is the function of the Preamble of the Constitution? Look up the text of the Preamble. (In answering the succeeding questions the student should compare what is said of each of the seven articles with the corresponding text of the Constitution.) With what does Article I of the Constitution deal? How are the qualifications entitling men to vote for member of the House of Representatives determined? How were senators to be elected? How are they elected now? Can you see in this article the original reason for taking the United States Census? How often is the Census taken? What is meant by impeachment? What functions have the Senate and the House of Representatives in case of an impeachment? For what may a civil officer be impeached? Has the President of the United States ever been impeached? (*See A History of the Am. Nation*, p. 441.) How many votes are necessary to carry a measure over the president's veto? Can you see any way in which a law can go into effect without the president's signature? Can you think of any way in which the president can prevent a bill from becoming law without vetoing it? What is a pocket veto? What powers does Article I confer on Congress? What additional powers have been deduced from the last paragraph of Section 8? (*See Selection 19.*) What powers does the Article withhold from Congress? What powers does it withhold from the States? With what does Article II deal? How did the Constitution originally provide for the election of the president and vice-president? How are these officers elected at the present time? How has Congress exercised the power granted it in the sixth paragraph of Article II, Section 1? (*See McLaughlin's, A Hist. of the Am. Nation*, p. 494.) What powers does the Constitution assign the president? With what does Article III deal? Does the Con-

stitution say exactly what courts the federal government shall have? Does the Constitution give the Supreme Court the power to declare acts of Congress unconstitutional? On what grounds did the Supreme Court claim this power? How does the Constitution define treason? Notice the decision in the case of Aaron Burr. (McLaughlin's *A Hist. of the Am. Nation*, p. 229.) With what does Article IV deal? How may new States be admitted to the Union? Has Congress ever admitted States into the Union which before their admission were not American territory? What two methods of amending the Constitution are provided in Article V? In practice which method has been used? In what one point is the Constitution now unamendable except by the unanimous assent of the States? What is the significance of the declaration that the Constitution and laws and treaties of the United States shall be the supreme law of the land? What duty did the Constitution assign in this connection to the State courts? Name the powers withheld from the Federal Government in the first ten amendments? What term is applied to these amendments? What was the origin of the Thirteenth, Fourteenth and Fifteenth Amendments? What sorts of questions have come before the courts under the Fourteenth Amendment? Notice not only that rights of corporations have been considered, but also the right of the States to regulate hours of employment in industries, and other matters of that kind. Is a person deprived of his liberty unjustly when he is forbidden by law to employ laborers for more than a certain number of hours a day? In general what principle governs the division of powers between the Federal and State governments?



PART III

THE NEW GOVERNMENT

XIX

HAMILTON ON THE CONSTRUCTION OF  
THE CONSTITUTION

February 15, 1791, Jefferson submitted to Washington a paper arguing that the Act to establish a National Bank was unconstitutional and therefore should be vetoed. He reached this conclusion by means of a narrow, strict construction of the clauses of the Constitution defining the powers of Congress. Hamilton, on February 23, presented to Washington a paper in answer to Jefferson, an extract from which is here given. It is the first and in many respects the ablest short defense of the liberal construction of the Constitution that has in general characterized our constitutional history. It must be remembered that, in theory, Congress has only the power granted by the Constitution (*See* Amendment X); inasmuch as the powers granted are commonly stated in general terms, there naturally arose questions as to the extent of the power granted.

The first of these arguments<sup>1</sup> is, that the foundation of the Constitution is laid on this ground: "That all powers not delegated to the United States by the Constitution, nor prohibited to it by the States, are reserved for the States, or to the people." Whence it is meant to be inferred, that Congress can in no case exercise any power not included in those enumerated in the Constitution. And it is affirmed, that the power of erecting a corporation is not included in any of the enumerated powers.,

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<sup>1</sup> Against the constitutionality of the Bank.

The main proposition here laid down, in its true signification is not to be questioned. . . . But how much is delegated in each case, is a question of fact, to be made out by fair reasoning and construction upon the particular provisions of the Constitution, taking as guides the general principles and general ends of governments.

It is not denied that there are *implied* as well as *express powers*, and that the *former* are as effectually delegated as the *latter*. And for the sake of accuracy it shall be mentioned that there is another class of powers, which may be properly denominated *resulting powers*. It will not be doubted that, if the United States should make a conquest of any of the territories of its neighbors, they would possess sovereign jurisdiction over the conquered territory. This would be rather a result, from the whole mass of the powers of the government and from the nature of political society, than a consequence of either of the powers specially enumerated. . . .

To return:—It is conceded that *implied powers* are to be considered as delegated equally with *express ones*. Then it follows that, as a power of erecting a corporation may as well be *implied* as any other thing, it may as well be employed as an *instrument* or *mean* of carrying into execution any of the specified powers, as any other *instrument* or *mean* whatever. The only question must be, in this as in every other case, whether the mean to be employed, or in this instance the corporation to be erected, has a natural relation to any of the acknowledged objects or lawful ends of the government. Thus a corporation may not be erected by Congress for superintending the police of the city of Philadelphia, because they are not authorized to *regulate* the *police* of that city. But one may be erected in relation to the collection of taxes, or to the trade with foreign countries, or to the trade between the States, or with the Indian tribes; because it is the province of the federal government to *regulate* those objects, and because it is incident to a general *sovereign* or *legislative*

power to *regulate* a thing, to employ all the means which relate to its regulation to the best and greatest advantage. . . .

Through this mode of reasoning respecting the right of employing all the means requisite to the execution of the specified powers of the government, it is objected that none but necessary and proper means are to be employed; and the Secretary of State<sup>2</sup> maintains, that no means are to be considered as *necessary* but those without which the grant of the power would be *nugatory*. Nay, so far does he go in his restrictive interpretation of the *word*, as even to make the case of *necessity* which shall warrant the constitutional exercise of the power to depend on *casual* and *temporary* circumstances; an idea which alone refutes the construction. The *expediency* of exercising a particular power, at a particular time, must, indeed, depend on circumstances; but the constitutional right of exercising it must be uniform and invariable, the same to-day as to-morrow. . . .<sup>3</sup>

It is essential to the being of the national government, that so erroneous a conception of the meaning of the word *necessary* should be exploded.

It is certain, that neither the grammatical nor popular sense of the term requires that construction. According to both, *necessary* often means no more than *needful*, *requisite*, *incidental*, *useful*, or *conducive to*. It is a common mode of expression to say that it is *necessary* for a government or a person to do this or that thing, when nothing more is intended or understood, than that the interests

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<sup>2</sup> Jefferson.

<sup>3</sup> This argument turns on the interpretation of Article I, Section 8 of the Constitution. It empowers Congress, "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers and all other Powers, vested by this Constitution in the Government of the United States or any Department or Officer thereof."

of the government or person require, or will be promoted by, the doing of this or that thing. The imagination can be at no loss for exemplifications of the use of the word in this sense. And it is the true one in which it is to be understood as used in the Constitution. The whole turn of the clause containing it indicates that it was the intent of the Convention, by that clause, to give a liberal latitude to the exercise of the specified powers. The expressions have peculiar comprehensiveness. They are "to make all *laws* necessary and proper for *carrying into execution the foregoing powers*, and *all other powers* vested by the Constitution in the *government* of the United States, or in any *department or officer* thereof."

To understand the word as the Secretary of State does, would be to depart from its obvious and popular sense, and to give it a restrictive operation, an idea never before entertained. It would be to give it the same force as if the word *absolutely* or *indispensably* had been prefixed to it.

Such a construction would beget endless uncertainty and embarrassment. The cases must be palpable and extreme, in which it could be pronounced, with certainty, that a measure was absolutely necessary, or one without which the exercise of a given power would be nugatory. There are few measures of any government which would stand so severe a test. To insist upon it, would be to make the criterion of the exercise of any implied power a *case of extreme necessity*; which is rather a rule to justify the overleaping of the bounds of constitutional authority, than to govern the ordinary exercise of it. . . .

The *degree* in which a measure is necessary, can never be a *test* of the legal right to adopt it; that must be a matter of opinion, and can only be a *test* of expediency. The *relation* between the *measure* and the *end*; between the *nature* of the *mean* employed towards the execution of a power, and the object of that power, must be the criterion of constitutionality, not the more or less of *necessity* or *utility*. . . .

It leaves, therefore, a criterion of what is constitutional, and of what is not so. This criterion is the *end*, to which the measure relates as a *mean*. If the *end* be clearly comprehended within any of the specified powers, and if the measure have an obvious relation to that *end*, and is not forbidden by any particular provision of the Constitution, it may safely be deemed to come within the compass of the national authority.

*Works of Hamilton*. J. C. Hamilton, Editor, Vol. IV, pp. 106, ff. New York, 1851.

#### QUESTIONS

How did Hamilton meet the argument that the Constitution gave Congress no power to establish a corporation? Did Hamilton think that the right of Congress to erect a corporation depended on an express grant in the Constitution of that power for a specific purpose, or on the constitutionality of the objects for which the corporation was created? If the ends or purposes of an act are constitutional the *means* adapted to secure those ends are constitutional, unless in some way explicitly or impliedly prohibited. Thus the doctrine of implied powers might be called the doctrine of implied means. With a view to what objects did he think that Congress had the implied power of erecting a corporation? What interpretation did Jefferson wish to give to the word "necessary"? What criticism did Hamilton pass on this interpretation of the word? Did he think that the question of the constitutionality of any expedient was to be determined by the degree of necessity, or by the constitutionality of the end to which the expedient was intended to attain?

## XX

### JEFFERSONIAN DEMOCRACY

Jefferson's inaugural of 1801 sums up his political creed. The circumstances under which it was delivered should be remembered. Jefferson then and ever afterwards regarded the political overturn by which the Republicans came into power in 1801 as a revolution whose importance in our history was obscured by its peaceful character and by its progress in accord with constitutional forms. He believed that the leaders

of the Federalist party had hoped to establish, if not a monarchy, at least a central government unbounded by the Constitution, and depending in a comparatively slight manner on the wishes of the masses of the people. The people had once for all set their faces against Federalism. It was left for Jefferson to draw into the ranks of the Republican party the great mass of Federalists who were untainted by the "monarchical" designs of their leaders and to leave Hamilton and his fellows without support, to be the scorn of their countrymen, who no longer need fear their designs. With a view to this end of dismembering the Federalist party, it would be Jefferson's policy by moderation to refute those who had predicted that his administration would bring in all the blasphemies, immoralities, and disorders of the French Revolution. For the rest, it must be his policy to adhere to the limitations that the Constitution placed on the Federal Government and to democratic principles, to foster the State governments as more immediately under the control of the people, and to govern as little as possible.

FRIENDS AND FELLOW CITIZENS: Called upon to undertake the duties of the first executive office of our country, I avail myself of the presence of that portion of my fellow-citizens which is here assembled, to express my grateful thanks for the favor with which they have been pleased to look toward me, to declare a sincere consciousness that the task is above my talents, and that I approach it with those anxious and awful presentiments which the greatness of the charge and the weakness of my powers so justly inspire. A rising nation, spread over a wide and fruitful land, traversing all the seas with the rich productions of their industry, engaged in commerce with nations who feel power and forget right, advancing rapidly to destinies beyond the reach of mortal eye — when I contemplate these transcendent objects, and see the honor, the happiness, and the hopes of this beloved country committed to the auspices of this day, I shrink from the contemplation, and humble myself before the magnitude of the undertaking. Utterly, indeed, should I despair, did not the presence of many whom I here see remind me, that, in the other high

authorities provided by our Constitution, I shall find resources of wisdom, of virtue, and of zeal, on which to rely under all difficulties. To you, then, gentlemen, who are charged with the sovereign functions of legislation, and to those associated with you, I look with encouragement for that guidance and support which may enable us to steer with safety the vessel in which we are all embarked amidst the conflicting elements of a troubled world.

During the contest of opinion through which we have passed, the animation of discussions and of exertions has sometimes worn an aspect which might impose on strangers unused to think freely and to speak and write what they think; but this being now decided by the voice of the nation, announced according to the rules of the Constitution, all will of course arrange themselves under the will of the law, and unite in common efforts for the common good. All too, will bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will to be rightful must be reasonable; that the minority possess their equal rights, which equal law must protect, and to violate would be oppression.) Let us then, fellow-citizens, unite with one heart and one mind; let us restore to social intercourse that harmony and affection without which liberty, and even life itself, are but dreary things. And let us reflect that, having banished from our land that religious intolerance under which mankind so long bled and suffered, we have yet gained little, if we countenance a political intolerance, as despotic, as wicked, and capable of as bitter and bloody persecutions. During the throes and convulsions of the ancient world, during the agonizing spasms of infuriated man, seeking through blood and slaughter his long lost liberty, it was not wonderful that the agitation of the billows should reach even this distant and peaceful shore; that this should be more felt and feared by some and less by others, and should divide opinions as to measures of safety; but every difference of opinion is not a difference of principle. We have called by different names brethren

of the same principle. We are all republicans, we are all federalists. If there be any among us who would wish to dissolve this Union or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated, where reason is left free to combat it. I know, indeed, that some honest men fear that a republican government cannot be strong, that this government is not strong enough. But would the honest patriot, in the full tide of successful experiment, abandon a government which has so far kept us free and firm, on the theoretic and visionary fear that this government, the world's best hope, may by possibility want energy to preserve itself? I trust not. I believe this, on the contrary, the strongest government on earth. I believe it the only one where every man at the call of the law would fly to the standard of the law and would meet invasions of the public order as his own personal concern. Sometimes it is said that man cannot be trusted with the government of himself. Can he then be trusted with the government of others? Or have we found angels, in the form of kings, to govern him? Let history answer this question.

Let us then with courage and confidence pursue our own federal and republican principles, our attachment to union and representative government. Kindly separated by nature and a wide ocean from the exterminating havoc of one-quarter of the globe; too high-minded to endure the degradations of the others; possessing a chosen country with room enough for our descendants to the thousandth and thousandth generation; entertaining a due sense of our equal right to the use of our own faculties, to the acquisitions of our own industry, to honor and confidence from our fellow-citizens resulting not from birth but from our actions and their sense of them; enlightened by a benign religion, professed indeed and practiced in various forms, yet all of them inculcating honesty, truth, temperance, gratitude, and the love of man; acknowledging and ador-



ing an overruling providence, which by all its dispensations proves that it delights in the happiness of man here and his greater happiness hereafter — with all these blessings, what more is necessary to make us a happy and a prosperous people? Still one thing more, fellow-citizens, a wise and frugal government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close the circle of our felicities.

About to enter, fellow-citizens, on the exercise of duties which comprehend everything dear and valuable to you, it is proper you should understand what I deem the essential principles of our government, and consequently those which ought to shape its administration. I will compress them within the narrowest compass they will bear, stating the general principle but not all its limitations.—Equal and exact justice to all men, of whatever state or persuasion, religious or political:—peace, commerce, and honest friendship with all nations, entangling alliances with none:—the support of the State governments in all their rights, as the most competent administrations for our domestic concerns, and the surest bulwarks against anti-republican tendencies:—the preservation of the general government in its whole constitutional vigor, as the sheet anchor of our peace at home, and safety abroad:—a jealous care of the right of election by the people, a mild and safe corrective of abuses which are lopped by the sword of revolution where peaceable remedies are unprovided:—absolute acquiescence in the decisions of the majority, the vital principle of republics, from which is no appeal but to force, the vital principle and immediate parent of despotism:—a well disciplined militia, our best reliance in peace and for the first moments of war till regulars may relieve them:—the supremacy of the civil over the military authority:—economy in the public expense, that labor may be lightly

burthened:—the honest payment of our debts and sacred preservation of the public faith:—encouragement of agriculture and of commerce as its handmaid:—the diffusion of information and arraignment of all abuses at the bar of the public reason:—freedom of religion; freedom of the press; and freedom of person under the protection of the *Habeas Corpus*, and trial by juries impartially selected. These principles form the bright constellation which has gone before us, and guided our steps through the age of revolution and reformation. The wisdom of our sages, and blood of our heroes have been devoted to their attainment. They should be the creed of our political faith, the text of civic instruction, the touchstone by which to try the services of those we trust; and should we wander from them in moments of error or alarm, let us hasten to retrace our steps and to regain the road which alone leads to peace, liberty, and safety.

I repair then, fellow-citizens, to the post you have assigned me. With experience enough in subordinate offices to have seen the difficulties of this the greatest of all, I have learnt to expect that it will rarely fall to the lot of imperfect man to retire from this station with the reputation, and the favor which bring him into it. Without pretensions to that high confidence you reposed in our first and greatest revolutionary character, whose preëminent services had entitled him to the first place in his country's love and destined for him the fairest page in the volume of faithful history, I ask so much confidence only as may give firmness and effect to the legal administration of your affairs. I shall often go wrong through defect of judgment. When right, I shall often be thought wrong by those whose positions will not command a view of the whole ground. I ask your indulgence for my own errors, which will never be intentional, and your support against the errors of others, who may condemn what they would not if seen in all its parts. The approbation implied by your suffrage is a great consolation to me for the past; and

my future solicitude will be to retain the good opinion of those who have bestowed it in advance, to conciliate that of others by doing them all the good in my power, and to be instrumental to the happiness and freedom of all.

Relying then on the patronage of your good will, I advance with obedience to the work, ready to retire from it whenever you become sensible how much better choice it is in your power to make. And may that Infinite Power which rules the destinies of the universe lead our councils to what is best, and give them a favorable issue for your peace and prosperity.

*Journal of the Senate*, 6th Congress, 2d Session, pp. 141-147. March 4, 1801.

#### QUESTIONS

What did Jefferson consider to be the real strength of the Government of the United States? Why was a Republican government most sure to be stable? What material conditions favorable to its peace and happiness did the United States enjoy? Describe the kind of government that Jefferson pronounced necessary to complete this happiness. What did Jefferson indicate as his foreign policy? What did he consider to be the value in the American constitutional system of the State governments? Of popular elections? What further principles of government and of liberty did he include in his political programme? Notice how the address is filled with a sense of the worth of free popular government, and especially with his doctrine of individualism, that is to say, the doctrine that each man should be unhampered and left alone to work out his own destiny.

## XXI

### HOW THE EMBARGO WAS ENFORCED AND EVADED

President Jefferson on December 18, 1807, recommended to Congress the passage of an embargo prohibiting the sailing of American ships from our ports. He took this resolution immediately on receiving news of official acts of the English and French

governments that boded ill for our commerce — orders in council and Napoleon's Decrees. The Senate on the same day passed an embargo bill. It then was passed by the House, and was signed, Tuesday, December 22, 1807. The selection illustrates the expedition with which the hastily passed measure was put in force, as well as the later efforts to evade and to enforce it. Although the Embargo was intended to save American shipping from danger of capture, and American seamen from impressment as well as to punish the European States by cutting off American supplies, the profits of trade were so great that ship owners were anxious to take their chances. This explains the unpopularity of the Embargo with the very classes it was designed to protect. The further fact that it cut off exports into Canada by land made it unpopular with the farmers of the North. With a view to its enforcement various irritating orders were issued that aroused popular discontent.

The embargo had not been many minutes in force when express riders were galloping out of Washington and riding posthaste toward Baltimore, Philadelphia, and New York, with orders from Gallatin to the collectors. Speed was most necessary, and so well did the messengers perform their task that at five o'clock on Friday morning one of them crossed the ferry from Paulus Hook and roused the Collector of the port of New York from his slumbers. The nearest Republican printer was sought, and by seven o'clock copies of the law in the form of handbills were distributed about the streets. Then followed a scene which to men not engaged in commerce was comical. On a sudden the streets were full of merchants, ship owners, ship captains, supercargoes, and sailors hurrying toward the water front. Astonished at this unusual commotion, men of all sorts followed, and by eight o'clock the wharves were crowded with spectators, cheering the little fleet of half-laden ships which, with all sail spread, was beating down the harbor. None of them had clearances. Many were half-manned. Few had more than part of a cargo. One which had just come in, rather than be embargoed, went off without breaking

bulk. At the sight of the headings of the handbills, the captains made crews of the first seamen they met, and, with a few hurried instructions from the owners, pushed into the stream. That the Collector was slack is not unlikely, for it was ten o'clock before his boats were in pursuit.

The act did not apply to American vessels sailing from port to port along the coast of the United States; nor to foreign merchantmen in ballast;<sup>1</sup> nor to foreign armed vessels in commission; but it absolutely forbade registered or sea-letter vessels to leave the ports of the United States for those of any foreign power. Such vessels might, however, engage in the coasting trade. If they did, bonds equal to twice the value of ship and cargo must be given as security that the cargo would really be landed in the United States.

On licensed ships engaged in the coasting trade the embargo law laid no restraint. They were still at liberty to load and sail. No custom-house officers watched them day and night. No inspection was made of their cargoes. No bond was required as surety that the cargo should even be landed in the United States. The advantages to which this might be turned were quickly seen. Indeed, the law was scarcely known when captains and owners of ships employed in the foreign trade were hurrying to the custom-house to give up their ship registers and take out licenses to trade along the coast. A cargo of provisions would then be hurried on board, all sail spread for Eastport or New Orleans, and, under pretense of being blown off the coast, the captain would make for Halifax, St. Kitts,<sup>2</sup> or Basse Terre. And for this offense no punishment whatever was provided. . . .

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<sup>1</sup> Ships without cargo.

<sup>2</sup> St. Kitts or St. Christopher, an island of the Leeward Antilles belonging to Great Britain. Basseterre is the capital of the Island of Guadeloupe in the same group. At this time it belonged to France.

Long<sup>3</sup> before this time, however, the embargo began to be felt, and felt seriously. In the large shipping towns business of every kind fell off, and soon utterly ceased. The ropewalks were deserted. The sail-makers were idle. The shipwrights and the draymen had scarcely anything to do. Pitch and tar, hemp and flour, bacon, salt fish, and flaxseed became drugs upon the shippers' hands. But the greatest sufferers of all were the sailors. In Boston one hundred of them bearing a flag went in procession to the Government house demanding work or bread. The Governor told them he could do nothing for them, and they went off. . . . In Philadelphia a band of seamen with a flag paraded the streets, drew up before the State House, and sent a committee in to see the Mayor. The Mayor assured them he had no power to grant any relief, told them such conduct was highly improper, and ordered the flag put away. When this was done he went out, spoke a few words, and advised them to seek help from the Chamber of Commerce, which immediately took up the consideration of the best way to employ the idle sailors, and soon had them at work making canvas, rope, coarse mats, oakum, gaskets, and points. . . .

"The act ought," said one writer, "to be called the 'Dambargo.'" "Our President," said another, "delights in the measure because the name hides so well his secret wishes. Read it backward, and you have the phrase, 'O-grab-me.' Divide it into syllables and read backwards, and you have the Jeffersonian injunction, 'Go bar 'em. Transpose the seven letters of the word, and you have what the embargo will soon produce, 'mob-rage.'"

The squibs written on the embargo were countless, and, bad as they were, a few specimens deserve to be given:

Why is the embargo like sickness?  
Because it weakens us.

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<sup>3</sup> Before the middle of 1808.

Why is it like a whirlwind?

Because we can't tell certainly where it came from or where it is going; it knocks some down, breaks others, and turns everything topsy-turvy.

Why is it like hydrophobia?

Because it makes us dread the water.

If you spell it backward what does it say?

O grab me!

. . . . .

By that time another prediction of the Federalists began to be fulfilled. The farmers were feeling the embargo. In expectation of a ready market and good prices, they had mortgaged their old land to buy new, and had thus been enabled to raise greater crops of wheat and grain than ever before. In Pennsylvania, in the valleys of the Mohawk and the Hudson, in Vermont, every mill had, until the streams were frozen over, been grinding day and night. In some places the farmers had been holding back their flour in hopes that the supply near the great cities would be quickly shipped and the price put up. In others they were waiting for snow to make transportation more easy. But ere the high prices and the snow came the ports were closed, the demand for flour stopped, and the farmers found themselves in possession of a staple for which they could not get the cost of sowing, reaping, and grinding. If they were honest men, their lot was indeed a hard one. If they chose to be dishonest, two courses lay before them. They might, if living near the boundary, turn smugglers, and hurry their flour over the line to British territory. They might sell it to someone who, tempted by the great profits to be made, was ready to take the risks they would not. Both ways were used, and by the middle of February the embargo was daily broken in a dozen bold, daring, and ingenious ways. The law applied to registered, sea-letter, and licensed ships. But boats of five tons burden and less

were not required to register, or take out sea-letters, or licenses to trade. On such, therefore, the embargo had no effect, and they were at once used to evade it.

Along the Atlantic border the flour was sent to the nearest available port, hurried into a schooner or a snow, bonds were given not to land it out of the United States, and all sail was spread. If the food was intended for the West Indies, the vessel ran down the coast to St. Mary's, a little hamlet in southern Georgia on the American side of St. Mary's river, then part of the boundary line between the United States and the possessions of Spain. There the barrels were put on board of boats of less than five tons and carried over the river, or to a sloop waiting off the coast for a cargo for Bermuda or St. Kitts. When the provisions were intended for Great Britain the run was up the coast to Eastport, and then over the Passamaquoddy in small boats, and so to the Halifax market.

On the Canadian border the smuggling was bolder and more impudent still. In Vermont a favorite way was to load a dozen sleds or wagons and drive toward Canada. A hill with steep slopes and close to the boundary line would be selected and a rude hut put up on the summit. The hut must be so made that when a stone was pulled from the foundation the floor would fall, the sides topple over, and the contents of the structure be thrown on English ground. When thus built, the sleds would be unloaded, the potash and flour, the pork, and the lumber put in, the stone removed, and the barrels sent rolling into Canada. Once there, they became English property and were quickly carried off. . . .

The products of the Champlain region were lumber, potash, pork, and brandy. For these a ready market had always been found at Albany and at the thriving towns of Fort Edward and Whitehall. But the embargo had cut off the trade, and the people, to get a living, turned toward Canada. Out of the lumber they made rafts, on the rafts they stacked



their potash, pork, and liquor, spread sails, built rude shelters, and, with the help of the south wind, floated the whole down the lake and over the line into Canada. Wind-mill Bay was a favorite place of shipment. The shores were said to be covered with produce. Repeatedly as many as twenty-five rafts went out, favored by the darkness and a strong south wind. Some militia, indeed, were sent from New York and Vermont to stop wagons found travelling the old road to Canada and to cut off rafts near the line; but they did little. One dark night in May a garrison seized a sloop with one hundred and fifty barrels of ashes and ninety more of pork; but the next night a bateau with twenty-five barrels passed the fort unharmed. Sometimes a revenue cutter would chase a smuggler up the Onion River and exchange shots, or, as on one occasion, have a pitched battle. Sometimes a sharp encounter would be had with raftsmen, which generally resulted in the defeat of the militia. If a raft was captured, the captors were almost sure to be surprised and the raft cut out a few nights later. At Alburt, on Missisquoi Bay, the garrison were deliberately attacked, captured, and a dozen barrels of potash carried off. Another night forty men, armed and painted as Indians, surrounded some troops near the boundary and frightened them into a profound sleep while a raft with thirty sails and measuring ten acres in surface floated slowly by into Canadian waters.

At Oswego, two lake craft having been refused clearances for Sackett's Harbor, the captains went off without clearing. The Collector gave chase in a revenue cutter; but, finding the crews armed and ready to fight, he suffered them to go on. This so enraged the Republicans that forty men of Marcellus volunteered to march to Oswego and enforce the embargo, while the Governor of the State begged the President to proclaim Oswego in a state of insurrection.

At Sackett's Harbor an affair took place which is a good example of what was constantly happening along the lake border. One day in September two boats loaded

with ashes came down the Big Sandy Creek. As their owners noticed troops at the mouth of the creek, the boats were quickly put about; but they had been seen, and were followed the next day by the soldiers, who found the boats sunk opposite the house of a Captain Fairfield. Landing, they saw the masts, sails, and oars scattered about, the ashes stored in the house, and, hard by, a swivel gun. The smugglers meanwhile were busy cutting down trees and throwing them into the creek to hinder the return of the troops by water. Learning this, the officer in command broke into the house and made a hasty retreat with the potash and the swivel. Captain Fairfield was not in the county. But his wife promptly complained to the nearest magistrate, who issued a process in civil action. The constable, being afraid to serve it, gathered a posse of thirty men and started with them for the lake shore. There he formed a line and called on the troops to surrender or fight. They chose to fight, charged the posse, scattered it, and took ten prisoners. Not long after, the people of Ellisburg were again thrown into alarm by the appearance of the troops, who came, they said, to take the magistrate who issued the process. This magistrate was Judge Sackett, a man well known in those parts, and the founder of the town which still bears his name. But he was not to be taken, and, having found two citizens to make charges of felony, he issued another warrant and again gave it to the constable to serve. This time the hue and cry was raised, and several hundred men were soon gathered in Ellisburg. To them the constable read the law of hue and cry and the law for arming, and bade them meet armed at sunrise next morning. Eighty came, but the constable, not being sure that he could command armed men until he had himself been opposed by arms, dismissed them. Determined not to be deprived of their vengeance, the Ellisburgers now sent out a call to the people of Jefferson County to meet in their turn and take into consideration the legal way of seizing certain felons who had bound and

carried off ten citizens while-attending to an affair of the law. The meeting was duly held, and some strong resolutions on the subject drawn up.

Violence, insolence, and law-breaking were now frequent along the whole border. Five open boats, full of potash, attempted to make the run from Fort Niagara to Canada, and, despite the troops and the Collector, three succeeded. On Salmon river, in Oneida County, the crew of a revenue cutter behaved so insolently that the people rose, seized them, and put them into the jail. At Lewiston twenty men came over from Canada and carried off a quantity of flour by force. They were believed to have gone to Canada for that very purpose. A ship showing no name and carrying no papers was taken off Squam Bay and sent into Charlestown. Those who pretended to know, said she hailed from Newburyport. There the embargo was most hated, and there the shippers and seamen were most active in evading it. On one occasion a sloop full of provisions made her escape from the town. Some officers who attempted to stop her were beaten by the crowd on the wharf and fired at by the sailors on the vessel. Nor was she taken till a cutter armed with troops had chased her for ten hours. On another day nine ships hoisted sail and defiantly started out. Again, a schooner laden with fish put out to sea. A revenue cutter brought her back; but the people again rose, and were with difficulty prevented from destroying the cutter at the wharf.

J. B. McMaster: *History of the People of the United States*, Vol. III, pp. 279-307, *passim*. D. Appleton and Co., New York, 1892.

#### QUESTIONS

How long did it take for the news of the Embargo to travel from Washington to New York? Describe the attempt of the ships to get away before the act was put into effect. How was it possible for ships in the coasting trade to evade the Embargo? What advantage was taken of this? What was the effect of the Embargo on seamen? What means were devised for their relief? How did

the Embargo deprive the farmers of the North of a market? Describe the means of smuggling goods into the West Indies and Canada by sea. How were goods smuggled into Canada from Vermont? From New York by way of Lake Champlain? By way of Lake Ontario? Across the Niagara river?

## XXII

### THE CAUCUS OF 1824

The framers of the Constitution expected that the electors would be perfectly free in their choice of president and vice-president; but with the rise of political parties such freedom could scarcely be possible. The leaders of the party, anxious to secure every electoral vote, naturally, by one means or another, pointed out, or nominated as we say, certain persons to be voted for. The Republican party, the party of Jefferson, followed the plan of having these nominations made by a gathering of the party members of Congress. As the Federalists lost ground, a nomination by this caucus was practically equivalent to an election. But opposition arose. In the States, where there had been similar meetings of office holders to determine upon nominations for State offices, conventions of delegates were beginning to be held; and there was a general feeling that the people should themselves have a hand in the nomination of candidates. The Congressional Caucus of 1824, which nominated William H. Crawford for President, was the last; the friends of other candidates protested; and Crawford was not elected. In Jackson's administration the nominating convention came in.

The proceedings of the Caucus are here given and also a protest against the system by the Tennessee legislature. (See McLaughlin and Hart, *Cyclopædia of American Government*, "caucus.")

Chamber of the House of Representatives of the United States.

February 14, 1824.

At a meeting of republican members of Congress, assembled this evening, pursuant to public notice, for the

purpose of recommending to the people of the United States suitable persons to be supported at the approaching election, for the offices of president and vice-president of the United States:

On motion of Mr. James Barbour, of Virginia —

Mr. Benjamin Ruggles, a senator from the state of Ohio, was called to the chair, and Mr. Ela Collins, a Representative from the state of New York, was appointed secretary. . . .

*"Resolved,* That this meeting do now proceed to designate, by ballot, a candidate for president of the United States."

Determined in the affirmative.

On motion of Mr. Van Buren of New York, it was

*"Resolved,* That the Chairman call up the republican members of congress by states, in order to receive their respective ballots."

Whereupon the Chairman proceeded to a call, and it appeared the following members were present. . . .

Mr. Bassett, of Virginia, and Mr. Cambreleng, of New York, were appointed tellers, and, on counting the ballots, it appeared that

William H. Crawford had sixty-four votes,

John Quincy Adams two votes,

Andrew Jackson one vote, and

Nathaniel Macon one vote.

Mr. Dickerson, of New Jersey, then submitted the following resolution, which was agreed to:

*"Resolved,* That this meeting do now proceed to designate, by ballot, a candidate for the office of vice-president of the United States."

Mr. Van Buren, of New York, then stated that he was authorized to say that the vice-president having, some time since, determined to retire from public life, did not wish to be regarded by his friends as a candidate for reelection to that office.

On counting the ballots, it appeared that Albert Gallatin,

of Pennsylvania, had fifty-seven votes; John Q. Adams, of Massachusetts, one vote; William Eustis, of Massachusetts, one vote; Samuel Smith, of Maryland, one vote; William King, of Maine, one vote; Richard Rush, of Pennsylvania, one vote; Erastus Root, of New York, two votes; John Tod, of Pennsylvania, one vote; and Walter Lowrie, of Pennsylvania, one vote.

And, thereupon, Mr. Clark, of New York submitted the following resolution, to wit:

*Resolved*, As the sense of this meeting that William H. Crawford of Georgia, be recommended to the people of the United States as a proper candidate for the office of president, and Albert Gallatin of Pennsylvania for the office of vice-president, of the United States, for four years from the 4th of March, 1825.

*Resolved*, that, in making the foregoing recommendations, the members of this meeting have acted in their individual characters, as citizens; that they have been induced to this measure from a deep and settled conviction of the importance of union among republicans, throughout the United States, and as the best means of collecting and concentrating the feelings and wishes of the people of the union upon this important subject. The question being put upon these resolutions, they were unanimously agreed to.

Mr. Holmes of Maine then moved that the proceedings of the meeting be signed by the chairman and secretary, and published, together with an address to the people of the United States, to be prepared by a committee to be appointed for the purpose.

On motion, it was ordered that this committee consist of the chairman and secretary of the convention, together with the gentlemen whose names were signed to the notice calling the meeting.

On motion, it was further

*Resolved*, That the chairman and secretary inform the gentlemen nominated for the offices of president and vice-

president of their nomination, and learn from them whether they are willing to serve in the said offices, respectively.

BENJAMIN RUGGLES, *Chairman*.

E. COLLINS, *Secretary*.

*Niles' Register*, Vol. XXV, pp. 388-390.

The general assembly of the State of Tennessee has taken into consideration the practice which, on former occasions, has prevailed at the City of Washington, of members of the Congress of the United States meeting in caucus, and nominating persons to be voted for as president and vice-president of the United States: and, upon the best view of the subject which this general assembly has been enabled to take, it is believed that the practice of congressional nominations is a violation of the spirit of the Constitution of the United States.

That instrument provides that there shall be three separate and distinct departments of the government, and great care and caution seems to have been exercised by its framers to prevent any one department from exercising the smallest degree of influence over another; and such solicitude was felt on this subject, that, in the second section of the second article, it is expressly declared, "That no *senator or representative*, or person holding an office of trust or profit under the United States, shall be appointed an elector." From this provision, it is apparent that the convention intended that the members of Congress should not be the principal and primary agents or actors in electing the president and vice-president of the United States—so far from it, they are expressly disqualified from being placed in a situation to vote for those high officers. Is there not more danger of undue influence to be apprehended, when the members of Congress meet in caucus and mutually and solemnly pledge themselves to support the individuals who may have the highest number of votes in such meeting, than there would be in permitting them

to be eligible to the appointment of electors? In the latter case, a few characters, rendered ineligible by the Constitution, might succeed; but in the former, a powerful combination of influential men is formed, who may fix upon the American people their highest officers against the consent of a clear majority of the people themselves; and this may be done by the very men whom the Constitution intended to prohibit from acting on the subject. Upon an examination of the Constitution of the United States, there is but one case in which the members of Congress are permitted to act, which is in the event of a failure to make an election by the electoral colleges; and then the members of the House of Representatives vote by States. With what propriety the same men, who, in the year 1825, may be called on to discharge a constitutional duty, can, in the year 1824, go into a caucus and pledge themselves to support the men then nominated, cannot be discerned, especially when it might so happen that the persons thus nominated, could, under any circumstances, obtain a single vote from the State whose members stand pledged to support them. . . .

This practice is considered objectionable on other accounts: so long as Congress is considered as composed of the individuals on whom the election depends, the executive will is subjected to the control of that body, and it ceases, in some degree, to be a separate and independent branch of the government; and an expectation of executive patronage may have an unhappy influence on the deliberations of Congress.

Upon a review of the whole question, the following reasons which admit of much amplification and enlargement, more than has been urged in the foregoing, might be conclusively relied on, to prove the impolicy and unconstitutionality of the Congressional nominations of candidates for the presidency and vice-presidency of the United States: 1st. A caucus nomination is against the spirit of the Constitution. 2nd. It is both inexpedient and im-



politic. 3rd. Members of Congress may become the final electors, and therefore ought not to prejudge the case by pledging themselves previously to support particular candidates. 4th. It violates the equality intended to be secured by the Constitution to the weaker States. 5th. Caucus nominations may, in time (by the interference of the States), acquire the force of precedents and become authoritative, and thereby endanger the liberties of the American people.

*Niles' Register*, Vol. XXV, pp. 137-8. November 1, 1823.

#### QUESTIONS

How could the Caucus be said to violate the Constitution in so far as that document has provided for three distinct departments of government? What chances of control of the executive by the legislative did it afford? Might the members of the House of Representatives be called on to choose a president? How was the president elected in 1824-25? Was it in any way improper for the Congressmen to nominate if they also might be called on to choose the president? Does the protest against the nomination by office holders indicate a rising feeling of self-confidence on the part of the people? Is the nomination of officials one of the duties and responsibilities of popular government or does popular government begin and end with casting ballots at an election?

PART IV

THE NEW WEST

XXIII

COLONIZATION OF THE WEST

One of the great tasks of the American people and one of their accomplishments has been — perhaps we should say *was*, for the work is largely finished — to people the continent from sea to sea. The movement into the eastern half of the Mississippi Valley in the two decades after the war of 1812 was of great importance. We should notice that there was, moreover, movement within the valley from the older settled regions into the unsettled portions. In the selection given below we have a vigorous description of the movement and indications of its significance.

The rise of the new West was the most significant fact in American history in the years immediately following the War of 1812. Ever since the beginnings of settlement on the Atlantic coast a frontier of settlement had advanced, cutting into the forest, pushing back the Indian, and steadily widening the area of settlement and civilization in its rear. There had been a West even in early colonial days; but then it lay close to the coast. By the middle of the eighteenth century the West was to be found beyond tide-water, passing toward the Allegheny Mountains. When this barrier was crossed and the lands on the other side of the mountains were won, in the days of the Revolution, a new and greater West, more influential on the nation's destiny, was created. The men of the "Western Waters" or the "Western World," as they loved to call themselves, developed under conditions of

separation from the older settlements and from Europe. The lands, practically free, in this vast area not only attracted the settler, but furnished opportunity for all men to hew out their own careers. The wilderness ever opened a gate of escape to the poor, the discontented, and the oppressed. If social conditions tended to crystallize in the East, beyond the Alleghenies there was freedom. Grappling with new problems, under these conditions, the society that spread into this region developed inventiveness and resourcefulness; the restraints of custom were broken, and new activities, new lines of growth, new institutions were produced. Mr. Bryce has well declared that "the West is the most American part of America. . . . What Europe is to Asia, what England is to the rest of Europe, what America is to England, that the Western States and Territories are to the Atlantic States." The American spirit — the traits that have come to be recognized as the most characteristic — was developed in the new commonwealths that sprang into life beyond the seaboard. In these new western lands Americans achieved a boldness of conception of the country's destiny, and democracy. The ideal of the West was its emphasis upon the worth and possibilities of the common man, its belief in the right of every man to rise to the full measure of his own nature, under conditions of social mobility. Western democracy was no theorist's dream. It came, stark and strong and full of life, from the American forest.

The time had now come when this section was to make itself felt as a dominant force in American life. Already it had shown its influence upon the older sections. By its competition, by its attractions for settlers, it reacted on the East and gave added impulse to the democratic movement in New England and New York. The struggle of Baltimore, New York City, and Philadelphia for the rising commerce of the interior was a potent factor in the development of the Middle Region. In the South the spread of the cotton plant and the new form which slavery took were

phases of the westward movement of the plantation. The discontent of the Old South is explained by the migration of her citizens to the West and by the competition of her colonists in the lands beyond the Alleghenies. The future of the South lay in its affiliation to the Cotton Kingdom of the lower States which were rising on the plains of the Gulf of Mexico. . . .

The Western States ranked with the Middle Region and the South in respect to population. Between 1812 and 1821 six new western commonwealths were added to the Union: Louisiana (1812), Indiana (1816), Mississippi (1817), Illinois (1818), Alabama (1819), and Missouri (1821). By 1830, the trans-Allegheny States had an aggregate population of over 3,600,000, representing a gain of nearly a million and a half in the decade. The percentages of increase in these new communities tell a striking story. Even the older sisters of the Western group, like Kentucky, with twenty-two per cent., Louisiana, with forty-one, and Tennessee and Ohio, each with sixty-one, showed a sharp contrast with the seaboard States, outside of Georgia and Maine. But for the newer communities the percentages of gain are still more significant. The figures are as follows: Indiana, 133 per cent., Illinois, 185, Alabama, 142, and Mississippi, 81. Ohio, which, hardly more than a generation before, was "fresh, untouched, unbounded, magnificent wilderness," now had a population of nearly a million, surpassing the combined population of Massachusetts and Connecticut.

A new section had arisen and was growing at such a rate that a description of it in any single year would be falsified before it could be published. Nor is the whole strength of the western element revealed by these figures for the Western States. In order to estimate the weight of the western population in 1830, we must add six hundred thousand souls in the western half of New York, three hundred thousand in the interior counties of Pennsylvania, and over two hundred thousand in the trans-Allegheny

counties of Virginia, more than a million, making an aggregate of 4,600,000. Fully to reckon the forces of backwoods democracy, moreover, we should include a large fraction of the interior population of Maine, New Hampshire, and Vermont, North Carolina, and Georgia, and northern New York. All of these regions were to be influenced by the ideals of democratic rule which were springing up in the Mississippi Valley. . . .

At the close of the War of 1812 the West had much homogeneity. Parts of Kentucky, Tennessee, and Ohio had been settled so many years that they no longer presented typical western conditions; but, for the most part, the West then was occupied by pioneer farmers, hunting and raising stock for a living, with but a small surplus demanding a market. By the close of the period, however, industrial differentiation between the northern and southern portions of the Mississippi Valley had become clearly marked. The Northwest was changing to a land of farmers and town-builders, anxious for a market for their grain and cattle; while the Southwest was becoming increasingly a cotton-raising section, swayed by the same impulses in respect to staple exports as those which governed the southern seaboard. Economically, the northern portion of the valley tended to connect itself with the Middle Region, while the southern portion came into increasingly intimate connection with the South. Nevertheless, it would be a radical mistake not to deal with the West as a separate region. With all these differences within itself, the West had a fundamental unity in its social structure and its democratic ideals, and at times its separate existence was revealed in no uncertain way.

The history of the occupation of the Mississippi Valley is the history of the colonization of a region far surpassing in area the territory of the old thirteen States. The explanation of this movement into the interior is a simple one. It was, indeed, but the continuation of the advance of the frontier which had begun in the earliest days of Ameri-

can colonization. The existence of a great body of land, offered at so low a price as to be practically free, inevitably drew population toward the West. When wild lands sold for two dollars an acre, and, indeed, could be occupied by squatters almost without molestation, it was certain that settlers would seek them instead of paying twenty to fifty dollars an acre for farms that lay not much farther to the east—particularly when the western lands were more fertile. The introduction of the steamboat on the western waters in 1811, moreover, had revolutionized transportation conditions in the West. . . .

New England, after the distress following the War of 1812 and the hard winter of 1816-1817, had sent many settlers into western New York and Ohio; the Western Reserve had increased in population by the immigration of Connecticut people; Pennsylvania and New Jersey had sent colonists to southern and central Ohio, with Cincinnati as the commercial center. In Ohio the settlers of Middle State origin were decidedly more numerous than those from the South, and New England's share was distinctly smaller than that of the South. In the Ohio legislature in 1822 there were thirty-eight of Middle State birth, thirty-three of Southern (including Kentucky), and twenty-five of New England. But Kentucky and Tennessee (now sufficiently settled to need larger and cheaper farms for the rising generation), together with the up-country of the South, contributed the mass of the pioneer colonists to most of the Mississippi Valley prior to 1830. Of course a large fraction of these came from the Scotch-Irish and German stock that in the first half of the eighteenth century passed from Pennsylvania along the Great Valley to the up-country of the South. Indiana, so late as 1850, showed but ten thousand natives of New England; and twice as many persons of Southern as of Middle State origin. In the early history of Indiana, North Carolina contributed a large fraction of the population, giving to it its "Hoosier" as well as much of its Quaker stock.

Illinois in this period had but a sprinkling of New Englanders, engaged in business in the little towns. The Southern stock, including settlers from Kentucky and Tennessee, was the preponderant class. The Illinois legislature for 1833 contained fifty-eight from the South (including Kentucky and Tennessee), nineteen from the Middle States, and only four from New England. Missouri's population was chiefly Kentuckians and Tennesseans.

The leaders of this Southern element came, in considerable measure, from well-to-do classes, who migrated to improve their conditions in the freer opportunities of a new country. Land speculation, the opportunity of political preferment, and the advantages which these growing communities brought to practitioners of the law combined to attract men of this class. Many of them, as we shall see, brought their slaves with them, under the systems of indenture which made this possible. Missouri, especially, was sought by the larger planters with their slaves. But it was the poorer whites, the more democratic, non-slaveholding element of the South, which furnished the great bulk of settlers north of the Ohio. Prior to the close of the decade the same farmer type was in possession of large parts of the Gulf Region; but here, through the whole of our period, the slaveholding planters came in increasing numbers.

Two of the families which left Kentucky for the newer country in these years will illustrate the movement. The Lincoln family had reached that State by migration from the North with the stream of backwoodsmen which bore along with it the Calhouns and the Boones. Abraham Lincoln was born in a hilly, barren portion of Kentucky in 1809. In 1816, when Lincoln was a boy of seven, his father, a poor carpenter, took his family across the Ohio on a raft, with a capital consisting of his kit of tools and several hundred gallons of whisky. In Indiana he hewed a path into the forest to a new home in the southern part of

the State, where for a year the family lived in a "half-faced camp," or open shed of poles, clearing their land. In the hardships of the pioneer life Lincoln's mother died, as did many another frontier woman. By 1830 Lincoln had become a tall, strapping youth, six feet four inches in height, able to sink his ax deeper than other men into the opposing forest. At that time his father moved to the Sangamon country of Illinois with the rush of land-seekers into that new and popular region. Near the home of Lincoln in Kentucky was born, in 1808, Jefferson Davis, whose father, shortly before the War of 1812, went with the stream of southward movers to Louisiana and then to Mississippi. Davis's brothers fought under Jackson in the War of 1812, and the family became typical planters of the Gulf Region.

Meanwhile, the roads that led to the Ohio Valley were followed by an increasing tide of settlers from the East. "Old America seems to be breaking up, and moving westward," wrote Birkbeck in 1817, as he passed on the National Road through Pennsylvania.

We are seldom out of sight, as we travel on this grand track, towards the Ohio, of family groups, behind and before us. . . . A small waggon (so light that you might almost carry it, yet strong enough to bear a good load of bedding, utensils and provisions, and a swarm of young citizens, and to sustain marvellous shocks in its passage over these rocky heights) with two small horses; sometimes a cow or two, comprises their all; excepting a little store of hard-earned cash for the land office of the district; where they may obtain a title for as many acres as they possess half-dollars, being one fourth of the purchase money. The waggon has a tilt, or cover, made of a sheet, or perhaps a blanket. The family are seen before, behind, or within the vehicle, according to the road or the weather, or perhaps the spirits of the party. . . . A cart and single horse frequently affords the means of transfer, sometimes a horse and pack-saddle. Often the back of the poor pilgrim bears all his effects and his wife follows, naked footed. . . .



McLean of Ohio said in the House of Representatives in 1825:

In a favorable season for emigration, the traveller upon this highway will scarcely lose sight of passengers, of some description. Hundreds of families are seen migrating to the West, with ease and comfort. Drovers from the West, with their cattle, of almost every description, are seen passing eastward, seeking a market on this side of the mountains. Indeed, this road may be compared to a great street, or thoroughfare, through some populous city — travellers on foot, on horseback, and in carriages, are seen mingling on its paved surface.

The Southerners who came by land along the many bad roads through Tennessee and Kentucky usually traveled with heavy, schooner-shaped wagons, drawn by four or six horses. These family groups, crowding roads and fords, marching toward the sunset, with the canvas-covered wagon, ancestor of the prairie-schooner of the later times, were typical of the overland migration. The poorer classes traveled on foot, sometimes carrying their entire effects in a cart drawn by themselves.) Those of more means took horses, cattle, and sheep, and sometimes sent their household goods by wagon or by steamboat up the Mississippi. . . .

Arrived at the nearest point to his destination on the Ohio, the emigrant either cut out a road to his new home, or pushed up some tributary of that river in a keel-boat. If he was one of the poorer classes, he became a squatter on the public lands, trusting to find in the profits of his farming the means of paying for his land. Not uncommonly, after clearing the land, he sold his improvements to the actual purchaser, under the customary usage, or by pre-emption laws. With the money thus secured he would purchase new land in a remoter area, and thus establish himself as an independent landowner. Under the credit system which existed at the opening of the period, the settler purchased his land at two dollars per acre, by a

cash payment of fifty cents and the rest in installments running over a period of four years; but by the new law of 1820 the settler was permitted to buy a tract of eighty acres from the government at a minimum price of a dollar and a quarter per acre, without credit. The price of labor in the towns along the Ohio, coupled with the low cost of provisions, made it possible for even a poor day-laborer from the East to accumulate the necessary amount to make his land-purchase.

Having in this way settled down either as a squatter or as a landowner, the pioneer proceeded to hew out a clearing in the midst of the forest. Commonly he had selected his lands with reference to the value of the soil, as indicated by the character of the hardwoods, but this meant that the labor of clearing was the more severe. Under the sturdy strokes of his ax the light of the day was let into the little circle of cleared ground. With the aid of his neighbors, called together under the social attractions of a "raising," with its inevitable accompaniment of whisky and a "frolic," he erected his log cabin. If he was too remote from neighbors or too poor to afford a cabin, as in the case of Lincoln's father, a rude half-faced camp served the purpose for the first months of his occupation. "America," wrote Birkbeck, "was bred in a cabin."

Having secured a foothold, the settler next proceeded to "girdle" or "deaden" an additional forest area, preparatory to his farming operations. This consisted in cutting a ring through the bark around the lower portion of the trunk, to prevent the sap from rising. In a short time the withered branches were ready for burning, and in the midst of the blackened stumps the first crop of corn and vegetables was planted.

In regions nearer to the East, as in western New York, it was sometimes possible to repay a large portion of the cost of clearing by the sale of pot and pearl ashes extracted from the logs, which were brought together for burning into huge piles. This was accomplished by a "log-rolling,"

under the united efforts of the neighbors, as in the case of the raising. More commonly in the West the logs were wasted by burning, except such as were split into rails, which, laid one above another, made the zig zag "worm fences" for the protection of the fields of the pioneer. . . .

The backwoodsman of this type represented the outer edge of the advance of civilization. Where settlement was closer, cooperative activity possible, and little villages, with the mill and retail stores, existed, conditions of life were ameliorated, and a better type of pioneer was found. Into such regions circuit-riders and wandering preachers had carried the beginnings of church organization, and schools were started. But the frontiersmen proper constituted a moving class, ever ready to sell out their clearings in order to press on to a new frontier, where game more abounded, soil was reported to be better, and where the forest furnished a welcome retreat from the uncongenial encroachments of civilization. If, however, he was thrifty, and forehanded, the backwoodsman remained on his clearing, improving his farm and sharing in the change from wilderness life.

Behind the type of the backwoodsman came the type of the pioneer farmer. Equipped with a little capital, he often, as we have seen, purchased the clearing, and thus avoided some of the initial hardships of pioneer life. In the course of a few years, as sawmills were erected, frame houses took the place of the log cabins; the rough clearing, with its stumps, gave way to well tilled fields; orchards were planted; livestock roamed over the enlarged clearing; and an agricultural surplus was ready for export. Soon the adventurous speculator offered corner lots in a new town site, and the rude beginnings of a city were seen. . . .

But the outlet from the West, over the roads to the East and South was but a subordinate element in her internal commerce. It was the Father of Waters, with its ramifying tributaries, which gathered the products of the great valley and brought them to New Orleans. Down

the Mississippi floated a multitude of craft: lumber rafts from the Allegheny, the old-time arks, with cattle, flour, and bacon, hay-boats, keel-boats, and skiffs, all mingled with the steamboats which plied the western waters. Flatboatmen, raftsmen, and deckhands constituted a turbulent and reckless population, living on the country through which they passed, fighting and drinking in true "half horse, half alligator" style. Prior to the steamboat, all of the commerce from New Orleans to the upper country was carried on in about twenty barges, averaging a hundred tons each, and making one trip a year. Although the steamboat did not drive out the other craft, it revolutionized the commerce of the river. Whereas it had taken the keel-boats thirty to forty days to descend from Louisville to New Orleans, and about ninety days to ascend the fifteen hundred miles of navigation by poling and warping up stream, the steamboat had shortened the time, by 1822, to seven days down and sixteen days up. As the steamboats ascended the various tributaries of the Mississippi to gather the products of the growing West, the pioneers came more and more to realize the importance of the invention. They resented the idea of the monopoly which Fulton and Livingston wished to enforce prior to the decision of Chief Justice Marshall, in the case of *Gibbons v. Ogden*—a decision of vital interest to the whole interior.

They saw in the steamboat a symbol of their own development.

An Atlantic cit [boasted a writer in the *Western Monthly Review*] who talks of us under the name of backwoodsmen, would not believe, that such fairy structures of oriental gorgeousness and splendor, as the *Washington*, the *Florida*, the *Walk in the Water*, the *Lady of the Lake*, etc., etc., had ever existed in the imaginative brain of a romancer, much less that they were actually in existence, rushing down the Mississippi as on the wings of the wind, or plowing up between the forests, and walking against the mighty current "as things of life,"

bearing speculators, merchants, dandies, fine ladies, every thing real and every thing affected in the form of humanity, with pianos, and stocks of novels, and cards, and dice, and flirting, and love-making, and drinking, and champagne, and on the deck, perhaps, three hundred fellows, who have seen alligators, and neither fear whiskey, nor gun-powder. A steam boat coming from New Orleans brings to the remotest villages of our streams and the very doors of the cabins a little Paris, a section of Broadway, or a slice of Philadelphia, to ferment in the minds of our young people the innate propensity for fashions and finery. Within a day's journey of us, three distinct canals are in respectable progress towards completion. . . . Cincinnati will soon be the center of the "celestial empire," as the Chinese say; and instead of encountering the storms, the sea sickness, and dangers of a passage from the Gulf of Mexico to the Atlantic, whenever the Erie Canal shall be completed, the opulent Southern planters will take their families, their dogs and parrots, through a world of forests, from New Orleans to New York, giving us a call by the way. When they are more acquainted with us, their voyage will often terminate here.

F. J. Turner: *The Colonization of the West, 1820-1830*, in *The Am. Historical Review*, Vol. XI, pp. 303-324, *passim*.

#### QUESTIONS

Explain how democracy and the American spirit developed in the men who settled the Mississippi Valley? How did this spirit react on the older settled portions of the country? Give the numbers of the population that was western in spirit in 1830. Was there any difference in the character of the settlements of Indiana, Illinois, Alabama, and Mississippi before 1815? How did the development of cotton-raising tend to make the southern part of the Mississippi Valley different from the northern? What became of the small farmers in the Gulf States? From what sections of the country did a very large number of those who settled in the Valley before 1830 come? Illustrate from the history of the Lincoln and Davis families the manner in which the early settlers of North and South came from the same region. What were the means by which settlers reached the West? How could a pioneer without money acquire a farm? How did he reduce it to cultivation and establish a home? Describe the pioneer farmer; the way a clearing was transformed into a settled village; the importance of the Mississippi;

types of boats in use before the steamboat. Illustrate in your own words how the Mississippi River and the Steamboat brought the life of New Orleans and the eastern seaboard face to face with the pioneer conditions of the backwoods.

## XXIV

### THE OHIO VALLEY IN 1817

Morris Birkbeck was an English Radical who, in 1817, bought land for the founding of an English settlement at English Prairie, Illinois. Disgusted with the narrow and intolerant Toryism of the English government at that period, he was quick to sympathize with the democratic ideals of the West and to become enthusiastic over the rapid growth of the Western country. To Birkbeck's account is added a more detailed account of the land system, a year or two later, from another resident of English Prairie.

#### A

*June 18.* At Chillicothe is the office for the several transactions regarding the disposal of the public lands, of this district, which is a large tract, bounded on the west by the river Sciota. This business is conducted with great exactness on a principle of checks, which are said to prevent the abuses formerly prevailing among the land-jobbers and surveyor. The following, if I am rightly informed, is an outline of the measures now adopted in the sale of government lands.

The tract of country which is to be disposed of is surveyed, and laid out in sections of a mile square, containing six hundred and forty acres, and these are subdivided into quarters, and, in particular situations, half-quarters. The country is also laid out in counties of about twenty miles square and townships of six miles square in some instances, and in others eight. The townships are numbered in ranges from north to south, and the ranges are numbered from west to east; and lastly, the sections

in each township are marked numerically. All these lines are well defined in the woods by marks on the trees. This done, at a period of which public notice is given, the lands in question are put up to auction, excepting the sixteenth section in every township, which is reserved for the support of schools and the maintenance of the poor. There are also sundry reserves of entire townships as funds for the support of seminaries on a more extensive scale, and sometimes for other purposes of general interest. No government lands are sold under two dollars per acre; and I believe they are put up at this price in quarter sections, at the auction, and if there be no bidding they pass on. The best lands and most favorable situations are sometimes run up to ten or twelve dollars, and in some late instances much higher. The lots which remain unsold are from that time open to the public, at the price of two dollars per acre; one-fourth to be paid down, and the remaining three-fourths to be paid by installments in five years; at which time, if the payments are not completed, the lands revert to the state, and the prior advances are forfeited.

When a purchaser has made his election of one, or any number of vacant quarters, he repairs to the land office, pays eighty dollars, or as many times that sum as he purchases quarters, and receives a certificate, which is the basis of the complete title, which will be given him when he pays all; this he may do immediately, and receive eight per cent. interest for prompt payment. The sections thus sold are marked immediately on the general plan, which is always open at the land office to public inspection, with the letters A. P., "Advance paid." There is a receiver and a register at each land office, who are checks on each other, and are remunerated by a percentage of the receipts. . . .

Cincinnati, like most American towns, stands too low; it is built on the banks of the Ohio and the lower part is not out of reach of spring floods.

As if "life was not more than meat, and the body than raiment," every consideration of health and enjoyment yields to views of mercantile convenience. Shortsighted and narrow economy! by which the lives of thousands are shortened, and the comfort of all sacrificed to mistaken notions of private interest.

Cincinnati is, however, a most thriving place, and backed as it is already by a great population and a most fruitful country, bids fair to be one of the first cities of the West. We are told, and we cannot doubt the fact, that the chief of what we see is the work of four years. The hundreds of commodious, well-finished brick houses, the spacious and busy markets, the substantial public buildings, the thousands of prosperous well-dressed, industrious inhabitants; the numerous waggons and drays, the gay carriages and elegant females; the shoals of craft on the river, the busy stir prevailing everywhere; house building, boat building, paving and leveling streets; the numbers of country people, constantly coming and going; with the spacious taverns, crowded with travellers from a distance.

All this is so much more than I could comprehend, from a description of a new town just risen from the woods, that I despair of conveying an adequate idea of it to my English friends. It is enchantment, and Liberty is the fair enchantress. . . .

*July 6.* We are now at the town of Madison, on our way through the State of Indiana towards Vincennes. This place is on the banks of the Ohio, about seventy-five miles from Cincinnati.

Our road has been mostly from three to six miles from the river, passing over fertile hills and alluvial bottoms.

The whole is appropriated; but although settlements multiply daily, many large intervals remain between the clearings.

Indiana is evidently newer than the State of Ohio; and, if I mistake not, the character of the settlers is different,



and superior to that of the first settlers in Ohio, who were generally very indigent people: those who are now fixing themselves in Indiana bring with them habits of comfort, and the means of procuring the conveniences of life: I observe this in the construction of their cabins, and the neatness surrounding them, and especially in their well-stocked gardens, so frequent here, and so rare in the State of Ohio, where their earlier and longer settlement would have afforded them better opportunities of making this great provision for domestic comfort.

I have also had the pleasure of seeing many families of healthy children; and from my own continued observation, confirmed by the testimony of every competent evidence that has fallen in my way, I repeat with still more confidence that the diseases so alarming to all emigrants, and which have been fatal to so many, are not attached to the climate, but to local situation. Repetitions will be excused on this important subject. Hills on a dry soil are healthy, after some progress has been made in clearing; for deep and close woods are not salubrious either to new comers or old settlers. The neighbourhood of overflowing streams, and all wet, marshy soils, are productive of agues and bilious fevers in the autumn.

Such is the influx of strangers into this State, that the industry of the settlers is severely taxed to provide food for themselves, and a superfluity for new comers: and thus it is probable there will be a market for all the spare produce for a series of years, owing to the accession of strangers, as well as the rapid internal growth of population. This is a favourable condition of a new colony, which has not been calculated on by those who take a distinct [distant] view of the subject. This year Kentucky has sent a supply in aid of this hungry infant State.

*July 7.* I have good authority for contradicting a supposition that I have met with in England, respecting the inhabitants of Indiana—that they are lawless, semibar-

barous vagabonds, dangerous to live among. On the contrary, the laws are respected, and are effectual; and the manners of the people are kind and gentle to each other and to strangers.

An unsettled country, lying contiguous to one that is settled, is always a place of retreat for rude and even abandoned characters, who find the regulations of society intolerable; and such, no doubt, had taken up their unfixed abode in Indiana. These people retire, with the wolves, from the regular colonists, keeping always to the outside of civilized settlements. They rely for their subsistence on their rifle, and a scanty cultivation of corn, and live in great poverty and privation, a degree only short of the savage state of Indians. . . .

*July 18.* On any spot where a few settlers cluster together, attracted by ancient neighbourhood, or by the goodness of the soil, or vicinity to a mill, or by whatever cause, some enterprising proprietor finds in his section what he deems a good site for a town: he has it surveyed and laid out in lots, which he sells, or offers for sale by auction.

The new town then assumes the name of its founder: a storekeeper builds a little framed store, and sends for a few cases of goods; and then a tavern starts up, which becomes the residence of a doctor and a lawyer, and the boarding-house of the storekeeper, as well as the resort of the weary traveler: soon follow a blacksmith and other handicraftsmen in useful succession: a schoolmaster, who is also the minister of religion, becomes an important accession to this rising community. Thus the town proceeds, if it proceeds at all, with accumulating force, until it becomes the metropolis of the neighbourhood. Hundreds of these speculations may have failed, but hundreds prosper; and thus trade begins and thrives, as population grows around these lucky spots; imports and exports maintaining their just proportion. One year ago the neighborhood of this very town of Princeton, was clad in "buck-

skin"; now the men appear at church in good blue cloth, and the women in fine calicoes and straw bonnets.

The town being fairly established, a cluster of inhabitants, small as it may be, acts as a stimulus on the cultivation of the neighbourhood: redundancy of supply is the consequence, and this demands a vent. Water mills, or in defect of water power, steam mills rise on the nearest navigable stream, and thus an effectual and constant market is secured for the increasing surplus of produce.

Morris Birkbeck: *Notes on a Journey in America*, 2d Edition, pp. 69-71, 80-82, 89-92, 103-105. London, 1818.

## B

When a part of the country is surveyed and offered for sale, notice is given in the public papers for some months previous, with the time and place of sale. At the sale the lots are put up, beginning with the lowest number, at two dollars per acre; and if there be no bidder, another lot is put up, and so continued till the sale is ended. If a bidding be made, the lot is sold; if more than one bidder, then the highest is the purchaser. He must then pay down one-fourth part of the purchase money, one-fourth more at the end of two years, one-fourth more at the end of three years, and the remaining fourth at the end of four years; and if it be not then paid the land reverts to the government, and the money paid down forfeited. At the time of sale the purchaser receives a certificate of the quarter purchased, and of the money paid thereon, with the times of payment of the other instalments. These instalments bear interest from the day of purchasing at six per cent., but if they be paid on or before they respectively become due, no interest is demanded thereon. But should the payment be delayed, only one day after it becomes due, interest is demanded from the day of sale. If a person at the time of sale should pay the whole of the instalments, after the first, he receives eight per cent. discount on the

sum so paid, according to the length of time of each instalment; or if at any time before the instalments are due, discount is allowed according to time.

As many people who have speculated in land have let their interest run, much will be due at the end of four years; but should the instalments and interest be paid on the day the last instalment becomes due, the interest will be saved on the fourth instalment; but four years' interest are due on the second and third instalments, that is 38 dollars, 40 cents, but one day later will make it 57 dollars, 60 cents.

If not paid at the end of four years, I have reason to think some time is allowed before the land reverts to the government. But the interest still runs on till the day of payment; and if the arrears be not paid, the land and all its improvements, if any, return to the government.

The above was the plan on which the public lands were disposed of; but by an act of Congress passed last spring, a new plan has been adopted, and took place on the 1st of July, by which all credit on public land is done away, and the price reduced to 1 dollar 25 cents per acre, or 200 dollars for a quarter-section; that is, for land that has been offered by public auction.

I have every reason to conclude that much remains due on the land entered in most of the Western States, and some will, most probably, be forfeited to government, as much of it was entered on speculation, and still remains in a state of nature.

The alteration in the price of land, the large quantities lately offered for sale, with the shortness of money, will, I think, prove extremely hurtful to some of the large speculators; but, in my opinion, will in the end be beneficial to the country at large, as it will oblige those who enter land to bring it into cultivation, instead of taking up large quantities, as it will now require a greater capital to speculate than it has hitherto done. Many of the speculators calculate to sell again without paying any of the

instalments, after the first deposit, but some of them are now greatly dispirited, and would be happy to dispose of their land on almost any terms, at least to recover what it at first and since has cost them.

John Woods: *Two Years Residence . . . in the Illinois Country*, pp. 267-270. London, 1822.

#### QUESTIONS

Describe the system of surveying the public lands. How were the lands put on sale? What terms were afforded purchasers? How did Cincinnati appear in 1818? What was Birkbeck's opinion of the healthfulness of the prairies? Describe the process by which a town grew up, and civilization advanced in the West.

## XXV

### THE COMMERCE OF THE MISSISSIPPI

The Mississippi Valley is by nature a unit. The Mississippi, Ohio and Missouri rivers with their great tributaries, such as the Tennessee, make up the finest natural system of inland waterways covering so vast a territory that the world has ever used. A significant thing is that the system centers at the point where the Mississippi reaches the sea, and where goods must be transhipped from river craft to ocean-going ships. So long as water transportation was the cheapest and most commodious that the world knew, New Orleans was certain to flourish. As the focus of the world's greatest inland transportation system, she might hope to become the world's greatest city. The selection indicates the causes that defeated this: the establishment of a swifter means of transportation to the seaboard by means of railways; the greater convenience of ports on the Atlantic coast for communication with Europe; and the Civil War, which cut off the trade of the Ohio and Missouri valleys from New Orleans and helped to make closer and stronger the commercial connection railway systems had already established between the Northwest and the North Atlantic States.

During all this period [1816-1840], and despite all these difficulties, the number of arrivals at New Orleans and the

amount of river business on the Lower Mississippi continued to steadily increase. . . . In regard to the flatboats and other craft, there is no sufficiently definite information for most of this period. It should be said, however, that while the steamboats supplanted the flatboats in many lines of trade, they did not entirely drive them off the river for fifteen or twenty years afterwards. During all this period when the Western cities were building steamboats the flatboats also were increasing in numbers. They were found serviceable in carrying hay, coal, et cetera, and in reaching the interior streams. The Mississippi counted some hundreds of tributaries. On some of these the settlements were sparse, and the surplus products afforded at best one or two cargoes a year, and these were sent much more conveniently and cheaply in flatboats than in steamers. . . . The early flatboats had depended altogether on the current of the river to carry them down. The system of towing was tried in 1829, and a small steamer, which would be called a tug to-day, was successfully used in towing keelboats up and down stream. The idea did not seem, however, to meet with much favor, the flatboat men having a superstition that their conjunction with a steamer was not favorable to them, and it was reserved for a later generation to definitely try in the barge the system of towing freight up and down stream. . . .

As the first two decades of the century showed the settlement of the Ohio basin, and a rapid increase in population and production, so the next two resulted in the settlement of the lower Mississippi region from Louisiana to the mouth of the Ohio. The removal of the Indian tribes to the Indian Territory, the building of levees, and the immense increase in the demand for cotton, hastened the development of West Tennessee, Mississippi, Arkansas, and Northern Louisiana. The Western products received at New Orleans, although they did not fall off, constituted a smaller percentage of the city's total trade, while cotton and sugar became each year more important items commer-

cially. In other words, the Western trade, while not growing less, did not increase as fast as that section increased in population and production, nor as fast as the cotton trade.

It was during this period that the South first began to insist on the sovereignty of King Cotton, and New Orleans claimed, like Mahomet, to be its prophet. The rapid development of the cotton manufacturing industries in Europe incited the planters to devote more and more acres to it, and it became highly profitable to cultivate cotton even on credit. New Orleans was overflowing with money in those flush times, and lent it readily, and the credit system of the South was firmly established, to last even to this day. . . . The whole agricultural country along the lower Mississippi and its bayous and streams became, in a manner, the commercial slaves of the New Orleans factors, and were not allowed to sell to anyone else or buy from them. The Western produce shipped down the river never stopped at the plantation, but was sent direct to New Orleans, and thence transhipped up the river over the same route it had just gone. . . .

While the Mississippi Valley was listening at the Memphis convention to the story of its glories to come, and river men were calculating on the immense traffic that was assured the future, New Orleans was confident of the future. Few of its people anticipated any danger of its future, and it was predicted not only in American papers but in the British *Quarterly Review* that it must ultimately become, on account of the Mississippi, the most important commercial city in America, if not in the world.

That eminent statistical and economical authority, *De Bow's Review*, declared that "no city of the world has ever advanced as a mart of commerce with such gigantic and rapid strides as New Orleans."

It was no idle boast. Between 1830 and 1840 no city of the United States kept pace with it. When the census was taken it was fourth in population, exceeded only by

New York, Philadelphia, and Baltimore, and third in point of commerce of the ports of the world, exceeded only by London, Liverpool, and New York, being, indeed, but a short distance behind the latter city, and ahead of it in the export of domestic products. Unfortunately, its imports were out of all proportion with its exports. It shipped coffee, hardware, and other heavy articles like this up the river, but it left the West dependent on New York and the other Atlantic cities for nearly all the finer class of manufactured goods they needed.

Later on, when the West began to go into manufacturing itself, and Cincinnati and Pittsburgh became important manufacturing centers, New Orleans imported their goods and reshipped them to the plantations. Of these shipments up-stream over 75 per cent., strange to say, were articles which had previously been sent down-stream. Cincinnati sent its lard, candles, pork, et cetera, to New Orleans to be carried up by the coast packets to Bayou Sara and Baton Rouge. From these latter towns were shipped so many hogsheads of sugar and barrels of molasses to New Orleans to be thence sent by the Cincinnati boats to the Ohio metropolis. There was no trade between the Western cities and the Southern plantations, very little even with the towns; it all paid tribute to New Orleans. . . .

The extent of the commercial area covered by the river traffic of New Orleans in 1860 will show what was lost in the four years of war that followed, and never fully regained. New Orleans then absolutely controlled the entire river trade, commerce, and crops of the State of Louisiana. In Texas, through the Red River, it secured the crops of the northern half of the State; through the Arkansas and the Red it secured the products of the greater portion of the Indian Territory. It controlled the trade of the southern two-thirds of Arkansas, all the Ouachita and Arkansas valleys, all the river front, and a portion of the White River trade running up into Mis-



souri. It controlled Mississippi with the exception of the eastern portion of the State, through which ran the Mobile and Ohio Railroad and the tributaries of the Alabama. All the produce of western Tennessee and half that of middle Tennessee went to New Orleans; and in Kentucky a large proportion of the business went to the Crescent City. The bulk of the produce of the Ohio Valley had been diverted to the lakes and Atlantic seaboard, but probably one-fifth of it found its way to New Orleans direct or by way of the Cincinnati and Louisville packets. . . .

Yet it was admitted at the time that New Orleans and the river route were losing some trade, and it was felt that the railroads were diverting traffic away from it. They had tapped the river at various points. The tributaries running into the Upper Tennessee, had formerly sent down their produce by flatboats to New Orleans, the boats reaching the city in fleets of thirty and forty. Railroads had diverted much of this traffic to Charleston, Savannah, and the Atlantic cities. The trade of northern Alabama had formerly come via the Tennessee to New Orleans. It was almost gone and the receipts from North Alabama were actually less in 1860 than in 1845, although the crops had grown manifold larger. The lead trade of the Upper Mississippi had been diverted from the river by the railroads. At Cincinnati a large portion of the flour and grain that had been formerly sent down the river traveled either up it to Pittsburgh or went direct by rail to New York, or by canal to Cleveland, Buffalo, and thence by the Hudson. In the twenty years between 1840 and 1860, during which the competition of river and rail had been inaugurated, the production of the Mississippi Valley had increased far more rapidly than the receipts at New Orleans. The river traffic had increased in the aggregate, but lost relatively.

The Mississippi carried a much larger tonnage, but a far smaller percentage of the total traffic of the valley. The loss was most marked in Western products. Forty years

before, these had constituted 58 per cent. of the total receipts at New Orleans. In 1859-60 they had fallen to 23 per cent., although in that period the West had made the greatest increase in population and production. What was lost here, however, was more than made good in the cotton and sugar crops, and the river trade of New Orleans therefore showed no decline but a steady, active, and positive advance.

During all this period "the levee" of New Orleans, as the river landing of that city was called, was the wonder of every visitor. It was beyond doubt the most active commercial center of the world. Here, side by side, lay the steamboats and flatboats of the river, the steamers, ships, and numerous ocean vessels. Here the entire business of New Orleans and of the greater portion of the valley was transacted. The levee was the landing, warehouse, commercial exchange of half a continent, and the freight handled there exceeded that to be seen on any single dock-yard of London or Liverpool.

*Report on Internal Commerce of the United States, 1887, pp. 199, 205, 214-15. 50th Congress, 1st Session, House Executive Documents, No. 6, Part II, Vol. 20.*

#### QUESTIONS

What place did the flatboats hold in Mississippi commerce after the steamboat had absorbed a large portion of the traffic? (See, also, Selection, XXIII.) How did the increase of cotton-growing in the valley increase the prosperity of New Orleans? Show how New Orleans became the distributing and financial center of the cotton country. How did manufacturing in the Ohio Valley give more business to New Orleans? What prophecies were made of the growth of New Orleans? What was her commercial position in the Valley in 1860? How did the railroads affect the carrying of produce to New Orleans from Alabama? From the Ohio Valley? Why is not New Orleans a more important market for the railroad-carried produce of the old Northwest? In answering consider the comparative advantages of proximity to Europe of New Orleans and New York. What position should you think New Orleans should hold to-day in our trade with South America? How will the Panama Canal increase her opportunities for development?

## XXVI

## THE REAPER

The marvelous development of the great West and especially its agricultural development has been made possible by the use of machinery. When men first moved into the Mississippi Valley there was plenty of fertile inviting land; but without a plentiful supply of laborers to do the work of harvesting, it was useless for one farmer to sow many acres. The invention of the reaper, which could do the work of many men, was therefore an event of immense significance in the expansion of American agriculture. It had, moreover, other effects; the farmer could dispense with the laborers which he might otherwise have needed and they could turn to the villages and cities and help in the development of manufacturing and trade. Cyrus Hall McCormick is a typical example of those inventive, clever men, to whom the needs and the spirit of a new country offered stimulus and opportunity.

As early as 1809 he (Robert McCormick) began to devote much time in efforts to devise a reaping machine, and appears to have spasmodically worked upon his plan through upwards of a score of years—1816 being generally ascribed as the year in which the attention of his neighbors first became attracted to the enterprise. Various cutting mechanisms were tried by Robert McCormick. . . . But none of these schemes was found to be practical, and after a final discouraging test in the early harvest of 1831 he concluded to abandon the project as an unsuccessful experiment.

Cyrus Hall McCormick, Robert's eldest son in a family of eight children, was born at Walnut Grove, February 15, 1809, the very year to which is commonly assigned the latter's first attempt at a mechanical reaper. The boy was carefully reared to be a practical farmer; but it was evident that in his case, as in his father's, the carpenter and blacksmith shops were more attractive to him than the

open fields. He had clearly inherited his parent's inventive qualities, and was destined far to surpass him—indeed, to become one of the greatest figures in the industrial history of the world.

When but fifteen years of age this ingenious Scotch-Irish lad made a distinct improvement in the grain cradle. In the same year he, like his father, invented a hillside plow; a few seasons later supplanting it with a self-sharpening, horizontal plow, claimed to be the first of this character to be introduced.

But Cyrus McCormick's greatest contribution to agricultural economics was yet to come. The father's reaping machine, standing outside the blacksmith shop on the home farm, had from the year of his birth been to him a familiar and alluring spectacle. His imagination was early fired with a desire to conquer the great practical difficulties of mechanical reaping. When the father finally acknowledged himself defeated, Cyrus took up the problem on his own account. Later in that same summer of 1831, when but twenty-two years of age, young McCormick constructed a machine essentially unlike any mechanism proposed by his father or any others who had before undertaken the task. He immediately demonstrated by practical tests that the successful type had thus been created; and he never departed from that type, in conformity wherewith all success in this art has since proceeded.

The immense significance of this event may be realized when we remember that since man began to practice the arts of agriculture, the grain harvest has been one of his chiefest concerns. There is nearly always abundant time in which to plant and to cultivate; but from its having to be cut when in a certain stage of ripeness, at the risk of losing the crop, the harvesting of grain is confined to a few days—generally not to exceed ten. The amount of grain, therefore, which a husbandman may successfully raise, obviously is dependent on the quantity which he may garner with the means available during this brief season.

Throughout the long centuries in which the primitive sickle was the only harvesting implement, it was possible for a man to cut half an acre per day; thus production was limited to about five acres for each harvester—enough for the immediate needs of the people of the district, but insufficient for considerable export to distant non-agricultural communities. . . .

By 1844 the reaper was becoming widely known, and won general admiration because of its workmanlike success. A letter in the *Washington National Intelligencer*, dated at Lynchburg, Virginia, November 8 of that year, refers to a trial near Amherst Court House. "All were highly gratified, and many would linger and follow it around the field to admire and witness its neat, rapid, and perfect performance." The price of the machine at that time appears to have been \$100 if payable in the harvest, but \$106 if payment were deferred for four months; and its cutting capacity was warranted at "sixteen acres a day when properly attended." After the close of the Virginia harvest of 1844, the inventor personally conducted field trials and introduced his reaper in western New York, Ohio, Illinois, Wisconsin, and Missouri. This expedition opened his eyes to the fact that "while reapers were luxuries in Virginia, they were a necessity in Ohio, Illinois, and on the great plains of the West." The broad virgin prairies of the trans-Allegheny were seen to be the natural market of a mechanism which was revolutionizing agriculture by breaking down those rigid limitations upon the production of man's chiefest food that had fettered the world since husbandry began. . . .

In rugged New England, the land of small farms, husbandry is at best carried on by toilsome methods; modern inventions can do comparatively little to broaden the field of agricultural possibilities. In the Middle Atlantic States, with their wide stretches of level land, a quicker soil, and a more genial climate, grain growing is a fairly profitable industry. Yet even here, the problem of carrying on ex-

tended agricultural operations has been far less pressing than in the vast region of the trans-Allegheny. In the days when settlements were first being planted in the Middle West, the scarcity of farm labor and the difficulties of transportation greatly retarded growth. The opening of the Erie Canal, in 1825, and subsequent improvements in other canals, highways, and railroads, solved the transportation problem; but that of agricultural labor was still of prime importance.

The half billion fertile acres in the upper Mississippi Valley, practically a fourth of the total land surface of the United States, are especially adapted to cereal culture. But although opened to cultivation largely during the first third of the nineteenth century—and freely offered to settlers by the Federal Government under a liberal land policy—the vast area of the Old Northwest could not at first be utilized to its fullest capacity so long as farm implements were crude and the supply of labor was limited. Fortunately, this remarkable extension of the area of cultivation was not long hampered by the slow development incident to primitive methods of agriculture; the reaper came in the nick of time. . . .

Everything depended upon the reaper—for until the grain crop, restricted to a ten days' harvest, could be quickly and mechanically gathered, there was little need of improved methods of sowing and cultivating, for which processes there is nearly always ample season. . . . So soon, however, as this, the greatest of all agricultural problems, was solved to the satisfaction of the inventor, there was no further hesitation. Not only the reaper, but every manner of farm implement, naturally following in its wake, exhibited a phenomenal improvement. . . .

The effect upon American agriculture was immediate and profound. The *Patent Report* for 1844 indicated a widespread interest in the new implements, which were cordially welcomed, especially in the West, where their need had been most keenly felt—for the tide of New

England and Middle West pioneers was now ready to invade the prairies, and their conquest was rendered possible only by labor-saving devices. In order profitably to use this ingenious machinery, many large farmers were leaving their timber lands and moving into the timberless levels, where roots, stumps, rocks, and steep hillsides did not interfere with mechanical mowers, reapers, and rakers. By 1846 the period of hand labor was plainly seen to be passing. Horse power was now fast becoming the dominant factor upon the farm.

The national and the state agricultural societies, state boards of agriculture, and farmer's institutes did their utmost to stimulate interest in rural machinery and to encourage its invention. Great trials of all manner of implements were held, especially during the ten years previous to the outbreak of the War of Secession—such trials as we have seen Cyrus H. McCormick attending, keenly watching the paths along which lay the success of his reaper. The greatest popular concern was, very naturally, in machinery for cultivating and harvesting grain: we read that during the nine years ending with 1860 no less than 2,233 patents were granted for inventions relating to cereal culture. Despite the expense of these modern devices—in 1852, the price of a McCormick reaper in Illinois and Wisconsin was \$130—farmers purchased freely; and from 1855 forward, the several varieties of reaping machine then in vogue were bought as rapidly as they could be turned out of the factories. . . .

It would lead us far beyond the necessary limits of this sketch, fully to emphasize the immense economic influence which the reaping machine exercised upon the conduct of the War of Secession by the northern States. In June, 1861, Edwin M. Stanton delivered an address eulogizing Cyrus H. McCormick. . . . "The reaper is to the North," he said, "what slavery is to the South. By taking the places of regiments of young men in the Western harvest fields, it releases them to do battle for the Union at the

front, and at the same time keeps up the supply of bread for the nation and the nation's armies."

The *Report* of the Commissioner of Agriculture for 1862 asserts that owing to the absence of so many farm laborers at the front, it would have been quite impossible to harvest the wheat crop for that year, had it not been for the increased use of mechanical reapers, each of which effected a saving of the labor of five men.

Notwithstanding the enormous draught of recruits from our rural districts, to fight in the armies of the Union, agricultural operations could still not only be carried on by the North, and in numberless instances by mere youths, but the product itself was meanwhile substantially increased. Indeed, although the great struggle appreciably lessened invention in every other line of endeavor, the number of patents for improvements to grain harvesters was normally maintained. . . .

Upon the declaration of peace between the warring States, vast numbers of discharged Union soldiers went into the West, to take up homes under the military homestead law. Abundant land awaited settlement as late as 1880. The young man of the Central States found the prospect of acquiring a farm for himself more inviting than the return to the life of an agricultural renter or laborer. By the extensive use of agricultural machinery the center of cereal production has been kept well in advance of the center of our population. William H. Seward once claimed that the McCormick reaper had extended the American frontier at the rate of thirty miles each year. . . . As each new region in the Middle West—or, in time, the trans-Mississippi—was opened to settlement, aggressive men promptly invaded the new area, engaging in cereal culture upon a cumulative scale, which within the past three decades has become vast. Thus, while the trend in this country has been largely toward the development of the cities at the expense of the rural districts, the yield of our crops has kept pace with the urban growth.



Socially, economically, and politically, the effect has been far-reaching and revolutionary. The vast levels of the Northwest have become the chief seat of our agricultural production, and the center of political power in the United States. The new instruments of labor have everywhere reduced to a minimum the old-time drudgery of the farm; the storm and stress period of pioneer life has become a matter of history. By bringing to them this opportunity for larger prosperity and leisure, agricultural machinery doubtless saved the farmers of the West from sinking into a peasant class. With prosperity and leisure, came a taste for culture and the consequent development of academies, colleges, and universities. The farmer on his broad western acres is in considerable measure independent of the exorbitant wages formerly demanded by men who worked only during the harvest season; he is industrious, intelligent, effective, has a wide outlook on life, and takes a high stand among his fellows. The humblest urban wage-earner had in turn had his benefit; the supply of food has been maintained, scarcity has been prevented, and prices are lessened; white wheat, now raised and harvested far more economically than before, can be obtained as cheaply as once were the coarser grains, and is now common to all. The introduction of improved agricultural machinery has made possible, also, the great flouring industries of the Old Northwest; and has promoted the prosperity of great railway systems that gridiron the prairies and plains, and of monster fleets of vessels that plow the Great Lakes, all engaged in transporting to market the products of the farm.

Nor are these advantages confined to America. Wherever, throughout the world, have gone the reaper and its lusty following of labor-saving inventions, life is easier than it was before, and rustic man is no longer slavishly bound to the grinding burden of the sickle and the hoe. His labor has been vastly more productive, and this means better things in every walk of life.

R. G. Thwaites: *Cyrus Hall McCormick*, in *Proceedings of the Wisconsin Historical Society*, 1908, pp. 234-259, *passim*.

#### QUESTIONS

How is the amount of grain that can be grown limited by the shortness of the harvest season? Under a system of harvesting by hand, would it be possible for a farming community to grow very much more grain than would be required to feed farm laborers? Would it be possible under such a system to spare many people from farm work to be employed in manufacturing? If few people were employed in manufacturing, could many of our modern manufactured conveniences be enjoyed by people in general? What is the connection between the growth of modern cities and the development of the farming region? Explain why the reaper found its greatest usefulness in the West. How did it aid in building up the Mississippi Valley? How far did its usefulness depend on the existence of some means for transporting the grain raised to market? How did the reaper assist the North in the Civil War by setting men free to enter the Union armies, and by bringing riches to the men of the North? How has the improved agricultural machinery of to-day saved farmers from drudgery? How has this benefited them intellectually?

### XXVII

#### SLAVERY IN THE NEW SOUTHWEST

The following selection, which is taken from an eulogistic biography of Colonel Thomas Dabney, a Mississippi planter, shows slavery at its best—as regards both the economic efficiency of the system, and the relation between master and slaves. The extract illustrates a thing not very easy to understand—how old established slave-holding families, living lives of elegance in the older Slave States, moved into the comparatively frontier States of the lower South; and there speedily established the slave system of production and began again a life of comfort and luxury similar to that they had left in the older States. The date of Colonel Dabney's migration was about 1835.

About the year 1835 a great many Virginians were induced to remove their families to the far South. For

several reasons Thomas began to consider the expediency of moving out to the then new country. He was considered one of the most successful wheat and tobacco farmers in his part of the State. But the expensive style of living in Gloucester began to be a source of serious anxiety. He knew that with a young and growing family to educate and provide for the difficulty would be greater each year. He felt also the increasing difficulty of giving to his negroes the amount of nourishing food that he considered necessary for laboring people. In view of these facts, he made up his mind that he must leave his home in Virginia for a new one in the cotton-planting States.

Thomas Dabney went through a large part of Alabama, Louisiana, and Mississippi, looking at the country before deciding on a body of land in Hinds County, Mississippi. He succeeded in purchasing four thousand acres from half a dozen small farmers. . . .

When the southern move was decided on, Thomas called his servants together and announced to them his intention to remove, with his family, to Mississippi. He further went on to say that he did not mean to take one unwilling servant with him. His plan was to offer to buy all husbands and wives, who were connected with his negroes, at the owners' prices, or he should, if his people preferred, sell those whom he owned to any master or mistress whom they might choose. No money difficulty should stand in the way. . . .

Mammy Harriet says of this time, "Marster was good all de time. He do all he could to comfort he people. When he was gittin' ready to move to Mississippi, he call 'em all up, an' tell 'em dat he did not want anybody to foller him who was not willin'. He say, all could stay in Figinny, an' dey could choose dey own marsters to stay wid. Ebery one o' he own, and all who b'long to de odder members o' de fambly who was wid him, say dey want to foller him, 'ceptin' 'twas two old people, ole grayheaded people, who was too ole to trabble. An' dey was de onli-

est ones leff behind on dat plantation an' dey did cry so much I did feel so sorry for dem. . . ."

The journey was made with so much care and forethought that not a case of serious illness occurred on the route. The white families were quartered at night, if practicable, in the houses that they found along the way. Tents were provided for the negroes. The master himself, during the entire journey, did not sleep under a roof.

The weather was perfect: no heavy rains fell during the two months. . . .

I give here Mammy Harriet's account of the journey. . . . "We leff in September, when dey was pullin' fodder, an' we git to Mississippi three weeks to Christmas. . . . On dat road I come to somethin' what I nebber see before; it 'twas a log town. All de houses was made out o' logs; all 'ceptin' de court-house. Dat was weather-boarded. I dunno whar 'twas. I nebber 'quire 'bout dat. . . .

"Marster was so good to us. He do eberything on dat journey dat was for our good.

"Marster do all he could to comfort he people.

"He buy fresh meat, salt fish, eberything. Ef he see a turnip-patch or cabbages or apples or 'taters, he say, 'Go on, see if you can get these things.' Sometimes dey gib 'em to us, sometimes we buy. . . ."

Thomas [Thomas Dabney] was misunderstood and misjudged by the people in Mississippi by whom he found himself surrounded. The plainer classes in Virginia, like those in England from whom they were descended, recognized the difference between themselves and the higher classes, and did not aspire to social equality. But in Mississippi the tone was different. They resented anything like superiority in breeding. . . .

It was the custom among the small farmers in his neighbourhood to call on each other to assist when one of them built his house, usually a log structure. Accordingly, one day an invitation came to the newcomer to help a neigh-

bour to "raise" his house. At the appointed time he went over with twenty of his men, and he did not leave till the last log was in place and the last board nailed on the roof, handing over the simple cabin quite completed to the owner. This action, which seemed so natural to him, was a serious offense to the recipient, and to his regret, he was sent for no more "house-raising."<sup>1</sup> On another occasion, a small farmer living a few miles from him got "in the grass," as the country people express it when the grass has gotten ahead of the young cotton plants and there is danger of their being choked by it. Again Thomas went over with twenty men, and in a few hours the field was brought to perfect order. The man said that if Colonel Dabney had taken hold of a plow and worked by his side he would have been glad to have his help, but to see him sitting up on his horse with his gloves on directing his negroes how to work was not to his taste. He heard a long time after these occurrences that he could have soothed their wounded pride if he had asked them to come over to help him to raise his cabins. But he could not bring himself to call on two or three poor white men to work among his servants when he had no need of help.

Susan Dabney Smedes: *A Southern Planter*, pp. 7-15; 29-30. London, 1889.

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<sup>1</sup> The "house-raising" was the social event of the frontier. The man whose house was to be raised provided refreshments such as liquor for those who came to help; and all who came worked side by side all day at the house, leaving it completed at nightfall. It summed up all the spirit of the frontier—the neighborly willingness to help a newcomer get on his feet and the sense of the true dignity and worth of labor that set all to working side by side on perfect equality. It is only by understanding this that one can reach the depth of Colonel Dabney's offending in patronizingly bringing over a gang of slaves to work side by side with his neighbors on work he would not himself set his hands to.

## QUESTIONS

How did Colonel Dabney get his land in Mississippi? Would you judge from the incident that the tendency in Mississippi at this period was toward the establishment and development of the small farm tilled by free labor or toward the plantation system? Why when slavery as a system of labor was so expensive could the big plantation grow up in the new West? This is a question not easily answered; but we must take into consideration that slavery was working as advantageously as it possibly could, where the soil was fertile and fresh, where land was plentiful, and where cotton was the chief or only crop. Tell of the consideration that Colonel Dabney showed for the feelings of his servants. What sacrifices did he make to avoid separating husbands and wives? Describe as far as you can, the way in which the master, his family, and his slaves emigrated. Did the writer of the book believe in social equality between the large slave-holding planter and the small farmer? How did Colonel Dabney offend his neighbors? What opinion did these actions show he had of manual work? Would such an attitude toward manual labor affect others? Was this a natural result of slavery in a community?

## XXVIII

## AN ENGLISHMAN ON AMERICAN TRAVEL

In the half century that preceded the Civil War patriotic Americans were in a state of chronic irritation at the criticism, justified and unjustified, that was poured out on the United States and all things in it by English travelers. Charles Dickens's *American Notes* is perhaps the best known of these books of criticism. The book, from which is quoted the extract here given, is perhaps more willing to see the good in American life than are the great majority of such books. Its author was Robert Marryat, officer in the British navy and author of fascinating tales of adventure at sea that were many of them drawn from his own experience. The selection illustrates the stage of American transportation in which the railroad was replacing the stage-coach. Note the amusing description of the necessity for the "cow-catcher" on the American locomotive, and of "ten minutes for refreshments" stops.

The American stage-coaches are such as experience has found out to be most suitable to the American roads, and you have not ridden in them five miles before you long for the delightful springing of four horses upon the level roads of England. They are something between an English stage and a French diligence, built with all the panels open, on account of the excessive heat of the summer months. In wet weather these panels are covered with leather aprons, which are fixed on with buttons, a very inefficient protection in the winter, as the wind blows through the intermediate spaces, whistling into your ears, and rendering it more piercing than if all was open. Moreover, they are no protection against the rain or snow, both of which find their way in to you. The coach has three seats, to receive nine passengers; those on the middle seat leaning back on a strong and broad leather brace, which runs across. This is very disagreeable, as the center passengers, when the panels are closed, deprive the others of the light and air from the windows. But the most disagreeable feeling arises from the body of the coach not being upon springs, but hung upon leather braces running under it and supporting it on each side; and when the roads are bad, or you ascend or rapidly descend the pitches (as they term short hills), the motion is very similar to that of being tossed in a blanket, often throwing you up to the top of the coach, so as to flatten your hat—if not your head.

The drivers are very skillful, although they are generally young men—indeed often mere boys—for they soon better themselves as they advance in life. Very often they drive six in hand; and, if you are upset, it is generally more the fault of the road than the driver. I was upset twice in one half-hour when I was travelling in the winter time; but the snow was very deep at the time, and no one thinks anything of an upset in America. More serious accidents do, however, sometimes happen. When I was in New Hampshire, a neglected bridge broke down, and precipitated

coach, horses, and passengers into a torrent which flowed into the Connecticut river. Some of the passengers were drowned. Those who were saved sued the township and recovered damages; but these mischances must be expected in a new country. The great annoyance of these public conveyances is, that neither the proprietor nor driver consider themselves the servants of the public; a stage-coach is a speculation by which as much money is to be made as possible by the proprietors; and as the driver never expects or demands a fee from the passengers, they or their comforts are no concern of his. The proprietors do not consider that they are bound to keep faith with the public, nor do they care about any complaints.

The stages which run from Cincinnati to the eastward are very much interfered with when the Ohio river is full of water, as the travellers prefer the steam-boats; but the very moment that the water is so low on the Ohio that the steam-boats cannot ascend the river up to Wheeling, double the price is demanded by the proprietors of the coaches. They are quite regardless as to the opinion or good-will of the public; they do not care for either, all they want is their money, and they are perfectly indifferent whether you break your neck or not. The great evil arising from this state of hostility, as you may almost call it, is the disregard of life which renders travelling so dangerous in America. You are completely at the mercy of the drivers, who are, generally speaking, very good-tempered, but sometimes quite the contrary; and I have often been amused with the scenes which have taken place between them and the passengers. As for myself, when the weather permitted it, I invariably went outside, which the Americans seldom do, and was always very good friends with the drivers. They are full of local information, and often very amusing. There is, however, a great difference in the behavior of the drivers of the mails, and coaches which are *timed* by the post-office, and others which are not. If beyond his time, the driver is mulcted by the proprietors;



and when dollars are in the question, there is an end to all urbanity and civility. . . .

In making my observations upon the rail-road and steam-boat travelling in the United States, I shall point out some facts with which the reader must be made acquainted. The Americans are a restless, locomotive people; whether for business or pleasure, they are ever on the move in their own country, and they move in masses. There is but one conveyance, it may be said, for every class of people, the coach, rail-road, or steam-boat, as well as most of the hotels, being open to all; the consequence is that the society is very much mixed — the millionaire, the well-educated woman of the highest rank, the senator, the member of Congress, the farmer, the emigrant, the swindler, and the pick-pocket, are all liable to meet together in the same vehicle of conveyance. Some conventional rules were therefore necessary, and those rules have been made by public opinion — a power to which all must submit in America. The one most important, and without which it would be impossible to travel in such a gregarious way, is an universal deference and civility shown to the women, who may in consequence travel without protection all over the United States without the least chance of annoyance or insult. This deference paid to the sex is highly creditable to the Americans; it exists from one end of the Union to the other; indeed, in the Southern and more lawless States, it is even more chivalric than in the more settled. . . .

The railroads in America are not so well made as in England, and are therefore more dangerous. . . . One great cause of disasters is, that the railroads are not fenced on the sides, so as to keep the cattle off them, and it appears as if the cattle who range the woods are very partial to take their naps on the roads, probably from their being dryer than the other portions of the soil. It is impossible to say how many cows have been cut into atoms by the trains in America, but the frequent accidents arising from

these causes have occasioned the Americans to invent a sort of shovel, attached to the front of the locomotive, which takes up a cow, tossing her off right or left. At every fifteen miles of the railroads there are refreshment rooms; the cars stop, all the doors are thrown open, and out rush the passengers like boys out of school, and crowd round the tables to solace themselves with pies, patties, cakes, hard-boiled eggs, ham, custards, and a variety of railroad luxuries, too numerous to mention. The bell rings for departure, in they all hurry with their hands and mouths full, and off they go again, until the next stopping place induces them to relieve the monotony of the journey by masticating without being hungry. . . .

The American innkeeper . . . is still looked upon in the light of your host; he and his wife sit at the head of the *table d'hôte* at meal times; when you arrive he greets you with a welcome, shaking your hand; if you arrive in company with those who know him, you are introduced to him; he is considered on a level with you; you meet him in the most respectable companies, and it is but justice to say that, in most instances, they are a very respectable portion of society. . . . The respect shown to the master of a hotel induces people of the highest character to embark in the profession; the continual stream of travellers which pours through the country gives sufficient support by moderate profits, to enable the innkeeper to abstain from excessive charges; the price of everything is known by all, and no more is charged to the President of the United States than to other people. Everyone knows his expenses; there is no surcharge, and fees to waiters are voluntary, and never asked for. At first I used to examine the bill when presented, but latterly I looked only at the sum total at the bottom and paid it at once, reserving the examination of it for my leisure, and I never in one instance found that I had been imposed upon.

Capt. Marryat: *Second Series of a Diary in America*, pp. 3-5, 7-8, 9-10, 32-33. Collins, Philadelphia, 1840.

## QUESTIONS

Describe the American stage-coach. How did it differ from the English? What complaints are made of the drivers and proprietors of stage-coaches? What American conventionalities made it safe for women to travel unescorted? How did the safety of travel on American railroads compare with that on English? What reason does Marryat assign for this? Do you know what the comparative degree of safety in travel is to-day? What position did Marryat find the inn keeper holding in American society as compared with European?

## XXIX

THE DEVELOPMENT OF TRANSPORTATION ON  
WESTERN RIVERS

Michel Chevalier (1806-1879) was a French economist and expert on questions of transportation. He was one of the earliest advocates of a transisthmian canal. The book from which the following extract is taken is a translation of a work written by Chevalier while he was on a mission of investigation for France in this country (1834-1836).

. . . All the commerce of the West was carried on by the Ohio and the Mississippi, which is, indeed, still, and probably always will be, the most economical route for bulky objects. The western boatmen descended the rivers with their corn and salt-meat in flat-boats, like the Seine coal-boats; the goods of Europe and the produce of the Antilles, were slowly transported up the rivers by the aid of the oar and the sail, the voyage consuming at least one hundred days, and sometimes two hundred. . . . The commerce of the West, was, therefore, necessarily very limited and the inhabitants, separated from the rest of the world, had all the rudeness of the forest. It was in this period and this state of manners, that the popular saying, which describes the Kentuckian as half horse, half alligator, had its origin. The number of boats, which made the voyage up and down once a year, did not exceed ten, measuring on an average

about 100 tons; other small boats, averaging about 30 tons measurement, carried on the trade between different points on the rivers, beside which there were numerous flat-boats, which did not make a return voyage. Freight from New Orleans to Louisville or Cincinnati was six, seven, and even nine cents a pound. At present (1836) the passage from Louisville to New Orleans is made in about 8 or 9 days, and the return voyage in 10 or 12, and freight is often less than half a cent a pound from the latter to the former.

In 1811, the first steamboat in the West, built by Fulton, started from Pittsburgh to New Orleans; it bore the name of the latter city. But such are the difficulties in the navigation of the Ohio and Mississippi, and such was the imperfection of the first boats, that it was nearly six years before a steamboat ascended from New Orleans, and then not to Pittsburgh, but to Louisville, 600 miles below it. The first voyage was made in twenty-five days, and it caused a great stir in the West; a public dinner was given to Captain Shreve, who had solved the problem. Then and not before, was the revolution completed in the condition of the West, and the hundred-day boats were supplanted. In 1818, the number of steamboats was 20, making an aggregate of 3,642 tons; in 1819 the whole number that had been built was 40, of which thirty-three were still running; in 1821, there were 72 in actual service. In that year the *Car of Commerce*, Captain Pierce, made the passage from New Orleans, to Shawneetown, a little below Louisville, in 10 days. In 1825, after fourteen years of trials and experiments, the proper proportion between the machinery and the boats was finally settled. In 1827, the *Tecumseh* ascended from New Orleans to Louisville in eight days and two hours. In 1829, the number of boats was 200, with a total tonnage of 35,000 tons; in 1832, there were 220 boats making an aggregate of 40,000 tons, and at present there are 240, measuring 64,000 tons.

Michel Chevalier: *Society, Manners and Politics in the United States*, pp. 214-216. Translation. Boston, 1839.

#### QUESTIONS

Describe the trade of the Mississippi River as it was carried on in the days of flat boats. How did the steamers cut down the time of a voyage? How did they lower freight rates? Illustrate the growth of steamboat traffic on the Mississippi? Compare Selections XXIII and XXV.

## PART V

### THE MOVEMENT TO THE FAR WEST

Between 1845 and 1850 the United States acquired and began the political organization of a vast stretch of western territory. We obtained a definite title to a part of Oregon territory by treaty with England, annexed Texas, made war on Mexico in defense of the extreme boundary claims of Texas, and exacted, as the price of peace, California and New Mexico. Settlement went hand in hand with acquisition. Parkman pictures for us the immigrants pushing into Oregon, and Mormons on the point of a movement to Great Salt Lake. Years before the gold seekers developed California, American fur traders and trappers had crossed the mountains, and American ships had rounded Cape Horn in quest of the trade of the Pacific Coast. Santa Fé was united commercially with the United States by the caravans that passed over the Santa Fé trail. The commercial connection of these lands of the Far West with the United States made it easier to bring them under the American flag; just as the American settlement of Texas was the natural precursor of its independence from Mexico and its annexation to the United States. The first stage of the American invasion of the Far West—the advance of the trapper, fur trader and Rocky Mountain explorer—is here only hinted at in Gregg's account of Jedediah Smith. The Santa Fé trade and the movement to Utah and to Oregon are described in the extracts following from Parkman and Gregg. The settlement of California in early days is given in the sketch of San Francisco. A later phase of the development of the Far West, when the "Great American Desert," was made use of for cattle ranches will be illustrated by a later selection.

## XXX

## THE SANTA FÉ TRADE

The traffic across the western plains had reached considerable importance before the railroad train took the place of the caravan of prairie schooners. The extract here given is taken from a book describing in detail the author's journeys over the Santa Fé trail, the first of which he made as early as 1831. His interesting narrative is interspersed with anecdotes of men famous in the trade, accounts of the common practices on the trail, and descriptions of conditions on the frontier and in the Mexican territory.

The town of Franklin on the Missouri river . . . seems truly to have been the cradle of our trade; and, in conjunction with several neighboring towns, continued for many years to furnish the greater number of these adventurous traders. Even subsequently to 1831, many wagons have been fitted out and started from this interior section. But as the navigation of the Missouri river had considerably advanced toward the year 1831, and the advantages of some point of debarkation nearer the western frontier were very evident, whereby upwards of a hundred miles of troublesome land carriage, over unimproved and often miry roads, might be avoided, the new town of INDEPENDENCE,<sup>1</sup> but twelve miles from the Indian border and two or three south of the Missouri River, being the most eligible point, soon began to take the lead as a place of debarkation, outfit and departure, which in spite of all opposition it has ever since maintained. . . .

As Independence is a point of convenient access (the Missouri River being navigable at all times from March till November), it has become the general "port of embarkation" for every part of the great western and northern "prairie ocean." Besides the Santa Fé caravans, most

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<sup>1</sup> A few miles from Kansas City, Missouri.

of the Rocky Mountain traders and trappers as well as emigrants to Oregon take this town in their route. During the season of departure, therefore, it is a place of much bustle and active business. . . .

. . . Oxen having been employed by Major Riley for the baggage wagons of the escort which was furnished the caravan of 1829, they were found to the surprise of the traders, to perform almost equal to mules. Since that time, upon an average, about half of the wagons in these expeditions have been drawn by oxen. They possess many advantages such as pulling heavier loads than the same number of mules particularly through muddy or sandy places; but they generally fall off in strength as the prairie grass becomes drier and shorter, and often arrive at their destination in a most shocking plight. In this condition I have seen them sacrificed at Santa Fé for ten dollars the pair; though in more favorable seasons, they sometimes remain strong enough to be driven back to the United States the same fall. Therefore, although the original cost of a team of mules is much greater, the loss ultimately sustained by them is considerably less, to say nothing of the comfort of being able to travel faster and more at ease. . . .

It was on the 15th day of May, 1831, and one of the brightest and most lovely of all the days in the calendar, that our little party set out from Independence. The general rendezvous at Council Grove was our immediate destination. It is usual for the traders to travel thus far in detached parties, and to assemble there for the purpose of entering into some kind of organization for mutual security and defense during the remainder of the journey. It was from thence that the formation of the *Caravan* was to be dated, and the chief interest of our journey to commence: therefore, to this point we all looked forward with great anxiety. . . .

The designation of "Council Grove," after all, is perhaps the most appropriate that could be given to this place; for we there held a "grand council" at which the respec-



tive claims of the different "aspirants to office" were considered, leaders selected, and a system of government agreed upon—as is the standing custom of these promiscuous caravans. One would have supposed that electioneering and "party spirit" would hardly have penetrated so far into the wilderness, but so it was. Even in our little community we had our "office seekers" and their "political adherents," as earnest and devoted as any of the modern school of politicians in the midst of civilization. After a great deal of bickering and wordy warfare, however, all the "candidates" found it expedient to decline, and a gentleman by the name of Stanley, without seeking or even desiring the "office," was unanimously proclaimed "Captain of the Caravan." The powers of this officer were undefined by any "constitutional provision," and consequently vague and uncertain: orders being only viewed as mere requests, they are often obeyed or neglected at the caprice of the subordinates. . . .

But after this comes the principal task of organizing. The proprietors are first notified by "proclamation" to furnish a list of their men and wagons. The latter are generally apportioned into four "divisions," particularly when the company is large—and ours consisted of nearly a hundred wagons, besides a dozen of dearborns and other small vehicles and two small cannons (a four and six pounder) each mounted upon a carriage. To each of these divisions a "lieutenant" was appointed, whose duty it was to inspect every ravine and creek on the route, select the best crossings, and superintend what is called in prairie parlance, the "forming" of each encampment. . . .

Upon encamping the wagons are formed into a "hollow square" (each division to a side), constituting at once an enclosure (or *corral*) for the animals when needed, and for a fortification against the Indians. Not to embarrass this cattle-pen, the camp-fires are all lighted outside of the wagons. . . .

Captain Sublette and others had started near a month in

advance of our company. We had frequently seen their trail, and once or twice had received some vague information of their whereabouts through the Indians, but nothing satisfactory. Our visitor now informed us that a captain of this band had been assassinated by the Indians; and from his description we presumed it to be Capt. Smith,<sup>2</sup> one of the partners—which was afterwards confirmed, with many particulars of the adventures of this company.

Capt. Smith and his companions were new beginners in the Santa Fé trade, but, being veteran pioneers of the Rocky Mountains, they concluded they could go anywhere; and imprudently set out without a single person in their company at all competent to guide them on the route. They had some twenty-odd wagons and about eighty men. There being a plain track to the Arkansas river, they did very well thus far; but from thence to the Cimarron not a single trail was to be found save the innumerable buffalo paths, with which these plains are furrowed, and which are exceedingly perplexing to the bewildered prairie traveller. In a great many places which I have observed, they have all the appearance of immense highways, over which entire armies would seem to have frequently passed. They generally lead from one watering place to another; but as these reservoirs very often turn out to be dry, the thirsty traveller who follows them in search of water, is liable to constant disappointment.

When Capt. Sublette's party entered this arid plain, it was parched with drought; and they were doomed to wander about for several days with all the horrors of a death from thirst staring them continually in the face. In this perilous situation Capt. Smith resolved at last to pursue one of these seductive buffalo paths, in hopes it might lead to the margin of some stream or pond. He set out alone; for besides the temerity which desperation always inspires, he had ever been a stranger to fear; indeed, he was one of

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<sup>2</sup> Jedediah Smith.

the most undaunted spirits that had ever traversed the Rocky Mountains; and if but one-half of what has been told of him be true — of his bold enterprises — his perilous wanderings — his skirmishings with the savages — his hair-breadth escapes, etc. — he would surely be entitled to one of the most exalted seats in the Olympus of prairie mythology. But, alas! unfortunate Capt. Smith! after having so often dodged the arrow and eluded the snare of the wily mountain Indian, little could he have thought, while jogging along under a scorching sun, that his bones were destined to bleach upon those arid sands! He had already wandered many miles away from his comrades, when, on turning over an eminence, his eyes were joyfully greeted with the appearance of a small stream meandering through the valley that spread before him. It was the Cimarron. He hurried forward to slake the fire of his parched lips — but imagine his disappointment, at finding in the channel only a bed of dry sand! With his hands, however, he soon scratched out a basin a foot or two deep, into which the water slowly oozed from the saturated sand. While with his head bent down, in the effort to quench his burning thirst in the fountain, he was pierced by the arrows of a gang of Comanches, who were lying in wait for him! Yet he struggled bravely to the last; and as the Indians themselves have since related, killed two or three of their party before he was overpowered. . . .

A few miles before reaching the city, the road again emerges into an open plain. Ascending a table ridge, we spied in an extended valley to the northwest occasional groups of trees, skirted with verdant corn and wheat fields, with here and there a square block-like protuberance reared in the midst. A little further, and just ahead of us to the north, irregular clusters of the same opened to our view. "Oh, we are approaching the suburbs!" thought I on perceiving the cornfields, and what I supposed to be brick-kilns scattered in every direction. These and other observations of the same nature becoming audible, a friend

at my elbow said, "It is true those are heaps of unburnt bricks, nevertheless they are *houses*—this is the city of SANTA FÉ". . .

The arrival produced a great deal of bustle and excitement among the natives. "*Los Americanos!*" "*Los carros!*"—"La entrada de la caravana!" were to be heard on every direction; and crowds of women and boys flocked around to see the newcomers; while crowds of *léperos* hung about as usual to see what they could pilfer. . . . Each wagoner must tie a bran new "cracker" to the lash of his whip; for, on driving through the streets and the *plaza pública*, everyone strives to outvie his comrades in the dexterity with which he flourishes this favorite badge of his authority.

Our wagons were soon discharged in the ware-rooms of the custom-house. . . . The *derechos de arancel* (tariff imposts) of Mexico are extremely oppressive, averaging about a hundred per cent. upon the United States cost of an ordinary "Santa Fé assortment." Those on cotton textures are particularly so. According to the *Arancel* of 1837 (and it was still heavier before) all plain-wove cottons, whether white or printed, pay twelve and a half cents duty per *vara*, besides the *derecho de consumo* (consumption duty), which brings it up to at least fifteen. But it is scarcely necessary to add that there are believed to be very few ports in the Republic at which these rigid exactions are strictly executed. An "arrangement," a compromise, is expected, in which the officers are sure at least to provide for themselves. At some ports, a custom has been said to prevail of dividing the legal duties into three equal parts: one for the officers—a second for the merchants—the other for the government.

For a few years, Gov. Armijo of Santa Fé established a tariff of *his own*, entirely arbitrary, exacting five hundred dollars for each wagon-load, whether large or small, of fine or coarse goods! Of course this was very advantageous to such traders as had large wagons and costly assortments,

while it was no less onerous to those with smaller vehicles or coarse heavy goods. As might have been anticipated, the traders soon took to conveying their merchandise only in the largest wagons, drawn by ten or twelve mules, and omitting the coarser and more weighty articles of trade. This caused the governor to return to an *ad valorem* system, though still without regard to the *Arancel general* of the nation. How much of these duties found their way into the public treasury, I will not venture to assert.

The arrival of a caravan at Santa Fé changes the aspect of the place at once. Instead of the idleness and stagnation which its streets exhibited before, one now sees everywhere the bustle, noise and activity of a lively market town. . . .

Although a fair variety of dry goods, silks, hardware, &c., is to be found in this market, domestic cottons, both bleached and brown, constitute the great staple, of which nearly equal quantities ought to enter into a "Santa Fé assortment." The demand for these goods is such that at least one-half of our stocks of merchandise is made up of them. However, although they afford a greater nominal per centum than many other articles, the profits are reduced by their freight and heavy duty. In all the Southern markets, where they enter into competition, there is a decided preference given to the American manufactures over the British, as the former are more heavy and durable. The demand for calicoes is also considerable, but this kind of goods affords much less profit. The quantity in an assortment should be about equal to half that of domestics. Cotton velvets, and drillings (whether bleached, brown or blue, and especially the latter), have also been in much request. But all the coarser cotton goods, whether shirtings, calicoes or drillings, &c., were prohibited by the *Arancel* of 1837; and still continue to be with some modifications.

The administration of the laws in Northern Mexico constitutes one of the most painful features of her institutions.

Justice, or rather judgments, are a common article of traffic; and the hapless litigant who has not the means to soften the claws of the *alcalde* with a "silver unction" is almost sure to get severely scratched in the contest, no matter what may be the justice of his cause, or the uprightness of his character. . . .

The evil consequences arising from mal-administration of justice in New Mexico are most severely felt by foreigners, against whom a strong prejudice exists throughout the South. Of these, the citizens of the United States are by far the most constant sufferers; an inevitable result of that sinister feeling with which the "rival republic" views the advancement and superiority of her more industrious neighbors. It is a notorious fact that while the English are universally treated with comparative consideration and respect, the Americans residing in the southern parts of the republic are frequently taunted with the effeminacy of their government and its want of decision. . . .

Few men, perhaps, have done more to jeopard the interests of American traders, or to bring the American character itself into contempt than Armijo, the present arbitrary governor of New Mexico. . . .

With a view of oppressing our merchants, Gov. Armijo had, as early as 1839, issued a decree exempting all the natives from the tax imposed on storehouses, shops, etc., throwing the whole burden of imposts upon foreigners and naturalized citizens; a measure clearly, and unequivocally at variance with the treaties and stipulations entered into between the United States and Mexico. A protest was presented without effect; when our consul, finding all remonstrances useless, forwarded a memorial to the American Minister at Mexico, who, although the vital interests of American citizens were at stake, deemed the affair of too little importance, perhaps, and therefore appears to have paid no attention to it. But this system of levying excessive taxes upon foreigners, is by no means an original invention of Governor Armijo. In 1835, the

government of Chihuahua having levied a *contribucion de guerra* for raising means to make war on the savages, who were laying waste the surrounding country, foreign merchants, with an equal disregard for their rights and the obligations of treaties, were taxed twenty-five dollars each per month while the native merchants, many of whom possessed large haciendas, with thousands of stock, for the especial protection of which these taxes were chiefly imposed, paid only from five to ten dollars each. Remonstrances were presented to the governor, but in vain. In his official reply, that functionary declared, "*Que el gobierno cree arreglado el reparto de sus respectivas contribuciones*" (the government believes your respective contributions in accordance with justice); which concluded the correspondence and the Americans paid their twenty-five dollars per month.

J. Gregg: *Commerce of the Prairies*. H. G. Langley, New York, 1844. Vol. I, pp. 32-39, 44-46, 62, 91-93, 109-114, 226-7, 232.

#### QUESTIONS

What made Independence a valuable gateway to the Far West? How did the Santa Fé caravans organize for the passage of the desert? What dangers in the passage of the desert does the story of Captain Smith suggest? Describe the appearance of the town of Santa Fé. What were the Mexican customs duties? How strictly were they enforced? How did officials connive at their evasion? How did corrupt and arbitrary officials annoy American traders? Do you know whether anything of this attitude of Mexicans toward Americans survives in Mexico to-day? What complaints does Gregg make with regard to the laxness with which American officials maintained the rights of American citizens? Would this suggest to you that the attitude of the United States toward Mexico in 1846 was one of wholly unjustified aggression? What sort of goods were in demand in Santa Fé?

## XXXI

## THE OREGON TRAIL

In 1846, Francis Parkman, better known as the great historian of New France, made a journey along the "Oregon Trail" as a young man in search of adventure. The book recounting his experiences is a valuable record of the life and scenes in the Far West in the days when emigrants, led by the accounts of marvelously fertile lands in the Columbia Valley, were passing over the desolate Great Plains and the Rockies; when the Mormons, driven out of the settled States of the Mississippi Valley were beginning the westward movement that was to take them to Great Salt Lake. Independence, as we have seen in a previous selection, was the headquarters of the Santa Fé trade, which had been going on for some years, as well as of the emigrants just beginning to push over the Rockies in considerable numbers.

Last spring, 1846, was a busy season in the City of St. Louis. Not only were emigrants from every part of the country preparing for the journey to Oregon and California, but an unusual number of traders were making ready their wagons and outfits for Santa Fé. The hotels were crowded, and the gunsmiths and saddlers were kept constantly at work in providing arms and equipments for the different parties of travellers. Steamboats were leaving the levee and passing up the Missouri, crowded with passengers on their way to the frontier.

In one of these, the *Radnor*, since snagged and lost, my friend and relative, Quincy Adams Shaw, and myself, left St. Louis on the 28th of April, on a tour of curiosity and amusement to the Rocky Mountains. The boat was loaded until the water broke alternately over her guards. Her upper deck was covered with large wagons of a peculiar form, for the Santa Fé trade, and her hold was crammed with goods for the same destination. There was also the equipments and provisions of a party of Oregon emigrants,



a band of mules and horses, piles of saddles and harness, and a multitude of nondescript articles, indispensable on the prairies. . . .

The passengers on board the *Radnor* corresponded with her freight. In her cabin were Santa Fé traders, gamblers, speculators, and adventurers of various descriptions, and her steerage was crowded with Oregon emigrants, "mountain men,"<sup>1</sup> negroes, and a party of Kansas Indians who had been on a visit to St. Louis.

Thus laden the boat struggled upward for seven or eight days against the rapid current of the Missouri, grating upon snags, and hanging for two or three hours at a time upon sand-bars. We entered the mouth of the Missouri in a drizzling rain, but the weather soon became clear, and showed distinctly the broad and turbid river, with its eddies, its sand-bars, its ragged islands and forest-covered shores. The Missouri is constantly changing its course; wearing away its banks on one side, while it forms new ones on the other. Its channel is continually shifting. Islands are formed and then washed away, and while the old forests on one side are undermined and swept off, a young growth springs up from the new soil upon the other. With all these changes, the water is so charged with mud and sand that, in spring, it is perfectly opaque, and in a few minutes deposits a sediment an inch thick in the bottom of a tumbler. The river was now high; but when we descended in the autumn it was fallen very low, and all the secrets of its treacherous shallows were exposed to view. It was frightful to see the dead and broken trees, thick-set as a military abattis, firmly imbedded in the sand, and all pointing down stream, ready to impale any unhappy steamboat that at high water should pass over them.

In five or six days we began to see signs of the great western movement that was taking place. Parties of emigrants with their tents and wagons were encamped on open

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<sup>1</sup> Trappers and fur traders of the Rocky Mountains

spots near the bank, on their way to the common rendezvous at Independence.<sup>2</sup> On a rainy day near sunset, we reached the landing of this place, which is some miles from the river, on the extreme frontier of Missouri. The scene was characteristic, for here were represented at one view the most remarkable features of this wild and enterprising region. On the muddy shore stood some thirty or forty dark slavish-looking Spaniards, gazing stupidly out from beneath their broad hats. They were attached to one of the Santa Fé companies, whose wagons were crowded together upon the banks above. In the midst of these crouching over a smoldering fire, was a group of Indians belonging to a remote Mexican tribe. One or two French hunters from the mountains, with their long hair and buckskin dresses, were looking at the boat; and seated on a log close at hand were three men with rifles lying across their knees. The foremost of these, a strong, tall figure with a clear, blue eye, and an open, intelligent face, might very well represent that race of restless and intrepid pioneers whose axes and rifles have opened a path from the Alleghanies to the western prairies. He was on his way to Oregon, probably a more congenial field to him than any that now remained on this side of the great plains.

Early on the next morning we reached Kansas, about five hundred miles from the mouth of the Missouri. Here we landed, and, leaving our equipments in charge of Colonel Chick, whose log house was the substitute for a tavern, we set out in a wagon for Westport, where we hoped to procure mules and horses for the journey.

It was a remarkably fresh and beautiful May morning. The woods, through which the miserable road conducted us, were lighted by the bright sunshine and enlivened by a multitude of birds. We overtook on the way our late fellow travellers, the Kansas Indians, who, adorned with all their finery, were proceeding homeward at a round pace;

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<sup>2</sup> See note on the previous selection.

and whatever they might have seemed on board the boat, they made a very striking and picturesque feature in the forest landscape.

Westport<sup>3</sup> was full of Indians, whose little shaggy ponies were tied by dozens along the houses and fences. Sacs and Foxes, with shaved heads and painted faces, Shawanoes and Delawares, fluttering in calico frocks and turbans, Wyandots dressed like white men, and a few wretched Kansas wrapped in old blankets, were strolling about the streets, or lounging in and out of the shops and houses. . . .

. . . The emigrants, . . . were encamped on the prairie about eight or ten miles distant, to the number of a thousand or more, and new parties were constantly passing out from Independence to join them. They were in great confusion, holding meetings, passing resolutions, and drawing up regulations, but unable to unite in the choice of leaders to conduct them across the prairie. Being at leisure one day, I rode over to Independence. The town was crowded. A multitude of shops had sprung up to furnish the emigrants and Santa Fé traders with necessities for their journey; and there was an incessant hammering and banging from a dozen blacksmiths' sheds, where the heavy wagons were being repaired, and the horses and oxen shod. The streets were thronged with men, horses and mules. While I was in the town, a train of emigrant wagons from Illinois passed through to join the camp on the prairie, and stopped in the principal street. A multitude of healthy children's faces were peeping out from under the covers of the wagons. Here and there a buxom damsel was seated on horseback, holding over her sunburnt face an old umbrella or a parasol, once gaudy enough but now miserably faded. The men, very sober-looking countrymen, stood about their oxen; and as I passed I noticed three old fellows, who, with their long whips in

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<sup>3</sup> Now four or five miles from Kansas City, Missouri.

their hands, were zealously discussing the doctrine of regeneration. The emigrants, however, are not all of this stamp. Among them are some of the vilest outcasts in the country. I have often perplexed myself to divine the various motives that give impulse to this migration; but whatever they may be, whether an insane hope of a better condition in life, or a desire of shaking off restraints of law and society, or mere restlessness, certain it is that multitudes bitterly repent the journey, and, after they have reached the land of promise, are happy enough to escape from it. . . .

The great medley of Oregon and California emigrants at their camps around Independence had heard reports that several additional parties were on the point of setting out from St. Joseph farther to the northward. The prevailing impression was that these were Mormons, twenty-three hundred in number;<sup>4</sup> and a great alarm was excited in consequence. The people of Illinois and Missouri, who composed by far the greater part of the emigrants, have never been on the best terms with the "Latter Day Saints"; and it is notorious throughout the country how much blood has been spilt in their feuds, even far within the limits of the settlements. No one could predict what would be the result, when large, armed bodies of these fanatics should encounter the most impetuous and reckless of their old enemies on the broad prairie, far beyond the reach of law or military force. The women and children at Independence raised a great outcry; the men themselves were seriously alarmed; and, as I learned, they sent to Colonel Kearney, requesting an escort of dragoons as far as the Platte. This was refused; and, as the sequel proved, there was no occasion for it. The St. Joseph emigrants

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<sup>4</sup> The settlements of the Mormons had been broken up in Missouri by 1840, and in Illinois in 1844-46. The headquarters of the Mormons remained at Council Bluffs till, in 1847, their exploring parties reached Salt Lake and selected it as the site of a permanent settlement.

were as good Christians and as zealous Mormon-haters as the rest; and the very few families of the "Saints" who passed out this season by the route of the Platte remained behind until the great tide of emigration had gone by, standing in quite as much awe of the "gentiles" as the latter did of them. . . .

We were now at the end of our solitary journeyings along the St. Joseph trail. On the evening of the twenty-third of May we encamped near its junction with the old legitimate trail of the Oregon emigrants. . . . As we lay around the fire after supper, a low and distant sound, strange enough amid the loneliness of the prairies, reached our ears, peals of laughter, and the faint voices of men and women. For eight days we had not encountered a human being, and this singular warning of their vicinity had an effect extremely impressive.

About dark a sallow-faced fellow descended the hill on horseback, and splashing through the pool, rode up to the tents. He was enveloped in a huge cloak, and his broad felt hat was weeping about his ears with the drizzling moisture of the evening. Another followed, a stout, square-built, intelligent-looking man, who announced himself as leader of an emigrant party, encamped a mile in advance of us. . . . .

These were the first emigrants that we had overtaken, although we had found abundant and melancholy traces of their progress throughout the course of the journey. Sometimes we passed the grave of one who had sickened and died on the way. The earth was usually torn up and covered thickly with wolf tracks. Some had escaped this violation. One morning, a piece of plank, standing upright on the summit of a grassy hill, attracted our notice, and riding up to it, we found the following words very roughly traced upon it, apparently with a red-hot piece of iron:—

MARY ELLIS

DIED MAY 7TH, 1845

AGED TWO MONTHS

Such tokens were of common occurrence.

We were late in breaking up our camp on the following morning, and scarcely had we ridden a mile, when we saw, far in advance of us, drawn against the horizon, a line of objects stretching at regular intervals along the level edge of the prairie. An intervening swell soon hid them from sight, until ascending it a quarter of an hour after, we saw close before us the emigrant caravan, with its heavy white wagons, creeping on in slow procession, and a large drove of cattle following behind. Half-a-dozen yellow-visaged Missourians, mounted on horseback, were cursing and shouting among them, their lank, angular proportions enveloped in brown homespun, evidently cut and adjusted by the hands of a domestic female tailor. As we approached they called out to us: "How are ye, boys? Are ye for Oregon or California?"

As we pushed rapidly by the wagons, children's faces were thrust out from the white coverings to look at us; while the care-worn, thin-featured matron, or the buxom girl seated in front, suspended the knitting on which most of them were engaged to stare at us with wondering curiosity. By the side of each wagon stalked the proprietor, urging on his patient oxen, who shouldered heavily along, inch by inch, on their interminable journey. It was easy to see that fear and dissension prevailed among them; some of the men—but these, with one exception, were bachelors—looked wistfully upon us as we rode lightly and swiftly by, and then impatiently at their own lumbering wagons and heavy-gaited oxen. Others were unwilling to advance at all, until the party they had left behind should have rejoined them. Many were murmuring against the leader they had chosen, and wished to depose him; and this discontent was fomented by some ambitious spirits who had hopes of succeeding in his place. The women were divided between regrets for the homes they had left and fear of the deserts and savages before them.

We soon left them far behind, and hoped that we had

taken a final leave; but our companions' wagon stuck so long in a muddy ditch that before it was extricated the van of the emigrant caravan appeared again, descending a ridge close at hand. Wagon after wagon plunged through the mud; and as it was nearly noon, and the place promised shade and water, we saw with satisfaction that they were resolved to encamp. Soon the wagons were wheeled into a circle; the cattle were grazing over the meadow, and the men with sour, sullen faces, were looking about for wood and water. They seemed to meet but indifferent success. As we left the ground, I saw a tall, slouching fellow with the nasal accent of "down east" contemplating the contents of his tin cup, which he had just filled with water.

"Look here, you," said he; "it's chock-full of animals!"

The cup as he held it out, exhibited in fact an extraordinary variety and profusion of animal and vegetable life.

Riding up the little hill, and looking back on the meadow, we could easily see that all was not right in the camp of the emigrants. The men were crowded together and an angry discussion seemed to be going forward.

Francis Parkman: *The Oregon Trail*, pp. 1-6, 36, 51-54. Little, Brown and Co., New York, 1893.

#### QUESTIONS

What were the difficulties of navigating the Missouri? What evidences of the Santa Fé trade and the Oregon migration could be seen in the passage up the Missouri? What was the general character of the Oregon emigrants? How did they attempt to organize for the passage of the Plains? Compare the account with Gregg's story of the organization of a Santa Fé caravan. What was the feeling between the Oregon emigrants and the Mormons? Describe an emigrant caravan. How did it make camp?

## XXXII

## CALIFORNIA IN 1849

The discovery of gold in California in 1848 transformed a sleepy Mexican province into a bustling American State; for the report of the gold fields drew thousands of Americans, some going in overland wagon trains, some by way of the Isthmus of Panama, while others made the long voyage around the Horn. The story is a fascinating one in itself; Bret Harte's tales of the "Forty-niners" are classics of American literature; and the account given below has the interest of being written by one who apparently was an eye-witness of the events he described.

Although the romance of the California gold fields has an interest and importance all its own in our history, we must remember that in the development of the United States a similar scene has been enacted in other mining regions. Repeatedly the discovery of precious metals has built up a feverish mining camp in a desert; a mining camp in which labor is priceless, the cheapest commodities bring fabulous sums, and business methods and social or political relations are swept away for the time.

In each of these cases the community has soon steadied itself, set up government, reestablished ordinary standards of morality, and restored business to a normal level. But in California the task was most difficult; and accordingly all the greater honor is due the American citizens who reestablished order. In the latter part of 1849 California's new citizens held a constitutional convention, drew up a state constitution, and applied for admission to the Union. At Washington in that year Northern and Southern statesmen were debating the division of the spoils of Mexico between freedom and slavery. California's demand for admission as a Free State introduced a new factor into the problem and helped to bring matters to a head.

The promising state of things in San Francisco shortly before described was now to be suddenly checked by means which, unpromising at first, ultimately led to the most extraordinary prosperity in the city. Early in the spring of



this year, occasional intelligence had been received of the finding of gold in large quantities among the foothills of the Sierra Nevada, the particulars of which discovery we have already given. Small parcels of the precious metal had also been forwarded to San Francisco, while visitors from the mines, and some actual diggers arrived, to tell the wonders of the region and the golden gains of those engaged in exploring and working it. In consequence of such representations, the inhabitants began gradually, in bands and singly, to desert their previous occupations, and betake themselves to the American River and other auriferous parts of the great Sacramento Valley. Labor, from the deficiency of hands, rose rapidly in value, and soon all business and work, except the most urgent, was forced to be stopped. Seamen deserted from their ships in the bay and soldiers from the barracks. Over all the country the excitement was the same. Neither threats, punishment nor money could keep men to their most solemn engagements. Gold was the irresistible magnet that drew human souls to the place where it lay, rudely snapping asunder the feebler ties of affection and duty. Avarice and the overweening desire to be suddenly rich, from whence sprang the hope and moral certainty of being so, grew into a disease, and the infection spread on all sides, and led to a general migration of every class of the community to the golden quarters. The daily laborer, who had worked for the good and at the command of another, for one or two dollars a day, could not be restrained from flying to the happy spot where he could earn six or ten times the amount, and might possibly gain a hundred or even a thousand times the sum in one lucky day's chance. Then the life, at worst, promised to be one of continual adventure and excitement, and the miner was his own master. While this was the case with the common laborer, his employer, wanting his services, suddenly found his occupation at an end; while shopkeepers and the like, dependent on both, discovered themselves in the same predicament. The glow-

ing tales of the successful miners all the while reached their ears, and threw their own steady and large gains comparatively in the shade. They therefore could do no better, in a pecuniary sense even, for themselves, than to hasten after their old servants, and share in their new labor and its extraordinary gains, or pack up their former business stock, and, travelling with it to the mines, open their new stores and shops and stalls, and dispose of their old articles to the fortunate diggers, at a rise of five hundred or a thousand per cent.

In the month of May it was computed that, at least one hundred and fifty people had left San Francisco, and every day since was adding to their number. Some were occasionally returning from the auriferous quarter; but they had little time to stop and expatiate upon what they had seen. They had hastily come back, as they had hastily gone away at first, leaving their household and business to waste and ruin, now to fasten more properly their houses, and remove goods, family, and all, at once to the gold region. Their hurried movements, more even than the words they uttered, excited the curiosity and then the eager desire of others to accompany them. And so it was. Day after day the bay was covered with launches filled with the inhabitants and their goods, hastening up the Sacramento. This state of matters soon came to a head; and master and man alike hurried to the *placeres*, leaving San Francisco, like a place where the plague reigns, forsaken by its old inhabitants, a melancholy solitude.

On the 29th of May the *Californian* published a fly-sheet apologizing for the future non-issue of the paper, until better days came, when they might expect to retain their servants for some amount of remuneration, which at present was impossible, as all, from the "*subs*" to the "*devil*" had indignantly rejected every offer, and gone off to the diggings. "The whole country," said the last editorial of the paper, "from San Francisco to Los Angeles, and from the seashore to the base of the Sierra Nevada, resounds

with the sordid cry of *gold! gold!! GOLD!!!*—while the field is left half planted, the house half built, and every thing neglected but the manufacture of shovels and pick-axes, and the means of transportation to the spot where one man obtained one hundred and twenty-eight dollars' worth of the *real stuff* in one day's washing, and the average for all concerned is *twenty dollars per diem!*"

On the 14th of June the *California Star* likewise ceased. In the explanatory fly-sheet, the editor simply and sadly said, that his paper "could not be made by magic, and the labor of mechanism was as essential to its existence as to all other arts." And as everybody was deserting him, why, the press and the paper stopped together—that was all. . . .

While San Francisco, like so many other parts of the country, was forsaken in the manner described in the foregoing chapter, the neighborhood of the American River was overflowing with people, all busily engaged in gold hunting. The miners by the middle of May were estimated to be about two thousand. In another month they had increased probably to three; and, two months later, their number was supposed to be about six thousand. From that period the arrival of persons at the different auriferous districts, which were known to extend over a large space of territory, was constant; but no sufficient materials existed to form a correct opinion of their total number. The vast majority of all the laboring classes in the country had certainly deserted their former pursuits, and had become miners, while a great many others—merchants and their clerks, shop-keepers and their assistants, lawyers, surgeons, officials in every department of the State, of the districts and in the towns, run-away seamen and soldiers, and a great variety of non-descript adventurers—likewise began the search for gold. The miners were by no means exclusively American. They consisted of every kindred and clan. There were already tame Indians, Mexicans from Sonora, Kanakas from the Sandwich Islands, settlers from Oregon, mixed with the

usual dash of Spanish, British, German and French adventurers that had for a long time existed in California. Later months were to bring other Mexicans, Chinese, Peruvians, and Chilians, and all these before the great impending immigration of Americans and Europeans.

At first the general gains of the miners, though great, were little compared to what shortly afterwards were collected.

When the miners knew a little better about the business and the mode of turning their labor to the most profitable account, the returns were correspondingly increased. At what were called the "dry diggings" particularly, the yield of gold was enormous. One piece of pure metal was found of thirteen pounds weight. The common instrument at first made use of was a simple butcher's knife; and as everything was valuable in proportion to the demand and supply, butchers' knives suddenly went up to twenty and thirty dollars apiece. But afterwards the pick and shovel were employed. The auriferous earth, dug out of ravines and holes in the sides of the mountains, was packed on horses, and carried one, two, or three miles, to the nearest water, to be washed. An average price of this washing dirt was, at one period, so much as four hundred dollars a cart load. In one instance, five loads of such earth sold for seven hundred and fifty-two dollars, which yielded, after washing, sixteen thousand dollars. Cases occurred where men carried the earth in sacks on their backs to the watering places, and collected eight to fifteen hundred dollars in a day, as the proceeds of their labor. Individuals made their five thousand, ten thousand, and fifteen thousand dollars in the space of only a few weeks. One man dug out twelve thousand dollars in six days. Three others obtained eight thousand dollars in a single day. But these, of course, were extreme cases.

The story has a shady as well as a bright side, and would be incomplete unless both were shown. There happened

to be a "sickly season" in the autumn at the mines; and many of the miners sank under fever and diseases of the bowels. A severe kind of labor, to which most had been unaccustomed, a complete change of diet and habits, insufficient shelter, continued mental excitement, and the excesses in personal amusement and dissipation which golden gains induced, added to the natural unhealthiness that might have existed in the district at different periods of the year, soon introduced sore bodily troubles upon many of the mining population. No gains could compensate a dying man for the fatal sickness engendered by his own avaricious exertions. In the wild race for riches, the invalid was neglected by old comrades still in rude health and the riotous enjoyment of all the pleasures that gold and the hope of continually adding to the store could bestow. When that was the case with old companions, it could not be expected that strangers should care whether the sick man lived or died. Who, forsooth, among the busy throng would trouble himself with the feeble miner that had miscalculated his energies, and lay dying on the earthen floor of his tent or under the protecting branch of a tree? . . .

Provisions and necessities, as might have been expected, soon rose in price enormously. At first the rise was moderate indeed, four hundred *per cent.* for flour, and five hundred for beef cattle, while other things were in proportion. But these were trifles. The time soon came when eggs were sold at one, two, and three dollars apiece; inferior sugar, tea, and coffee, at four dollars a pound in small quantities, or, three or four hundred dollars a barrel; medicines—say, for laudanum, a dollar a drop, (actually forty dollars were paid for a dose of that quantity), and ten dollars a pill or purge, without advice or with it, from thirty, up, aye, to one hundred dollars. Spirits were sold at various prices, from ten to forty dollars a quart; and wines at about as much per bottle. Picks and shovels ranged from five to fifteen dollars each; and common

wooden or tin bowls about half as much. Clumsy rockers were sold at from fifty to eighty dollars, and small gold scales, from twenty to thirty. As for beef, little of it was to be had, and then only jerked, at correspondingly high prices. For luxuries—of which there were not many; if a lucky miner set his heart on some trifle, it might be pickles, fruit, fresh pork, sweet butter, new vegetables, a box of Seidlitz powders or of matches, he was prepared to give any quantity of the “dust” rather than be balked. We dare not trust ourselves to name some of the *fancy* prices thus given, lest we should be supposed to be only romancing. No man would give another a hand’s turn for less than five dollars, while a day’s constant labor of the commonest kind, if it could have been procured at all, would cost from twenty to thirty dollars, at least. When these things, and the risks of sickness, the discomforts of living, and the unusual and severe kind of labor are all balanced against the average gains, it may appear that, after all, the miners were only enough paid.

When subsequently immigrants began to arrive in numerous bands, any amount of labor could be obtained, provided always a most unusually high price was paid for it. Returned diggers, and those who cautiously had never went to the mines, were then also glad enough to work for rates varying from twelve to thirty dollars a day; at which terms most capitalists were somewhat afraid to commence any heavy undertaking. The hesitation was only for an instant. Soon all the labor that could possibly be procured, was in ample request, at whatever rates were demanded. The population of a great State was suddenly flocking in upon them, and no preparations had hitherto been made for its reception. Building lots had to be surveyed, and streets graded and planked—hills leveled—hollows, lagoons, and the bay itself piled, capped, filled up and planked,—lumber, bricks, and all other building materials, provided at most extraordinarily high prices—houses

built, finished and furnished — great warehouses and stores erected — wharves run far out into the sea — numberless tons of goods removed from shipboard, and delivered and shipped anew everywhere — and ten thousand other things had all to be done without a moment's unnecessary delay. Long before these things were completed, the sand-hills and barren ground around the town were overspread with a multitude of canvas, blanket and bough-covered tents,—the bay was alive with shipping and small craft carrying passengers and goods backwards and forwards,—the unplanked, ungraded, unformed streets, (at one time moving heaps of dry sand and dust; at another, miry abysses, whose treacherous depths sucked in horse and dray, and occasionally man himself,) were crowded with human beings from every corner of the universe and of every tongue — all excited and busy, plotting, speaking, working, buying and selling town lots, and beach and water lots, shiploads of every kind of assorted merchandise, the ships themselves, if they could,—though that was not often—gold dust in hundred weights, ranches square leagues in extent, with their thousands of cattle—allotments in hundreds of contemplated towns, already prettily designed and laid out,—on paper,—and, in short, speculating and gambling in every branch of modern commerce, and in many strange things peculiar to the time and the place. *And everybody made money, and was suddenly growing rich.*

The loud voices of the eager seller and as eager buyer — the laugh of reckless joy — the bold accents of successful speculation — the stir and hum of active hurried labor, as man and brute, horse and bullock, and their guides, struggled and managed through heaps of loose rubbish, over hills of sand, and among deceiving deep mud pools and swamps, filled the amazed newly arrived immigrant with an almost appalling sense of the exuberant life, energy and enterprise of the place. He breathed quick and faintly — his limbs grew weak as water — and his heart sunk within him as he thought of the dreadful conflict, when he ap-

proached and mingled among that confused and terrible business battle. . . .

We are, however, anticipating and going ahead too fast. We cannot help it. The very thought of that wondrous time is an electric spark that fires into one great flame all our fancies, passions and experiences of the fall of the eventful year, 1849. The remembrance of those days comes across us like the delirium of fever; we are caught by it before we are aware, and forthwith begin to babble of things which to our sober Atlantic friends seem more the ravings of a madman than plain, dull realities. The world had perhaps never before afforded such a spectacle; and probably nothing of the kind will be witnessed again for generations to come. Happy the man who can tell of those things which he saw and perhaps himself did at San Francisco at that time. He shall be an oracle to admiring neighbors. A city of twenty or thirty thousand inhabitants improvised—the people nearly all adult males, strong in person, clever, bold, sanguine, restless and reckless—But really we must stop now and descend to our simple “annals.”

Frank Soulé, and Others: *The Annals of San Francisco*, pp. 201-204, 209-217, *passim*. D. Appleton and Co., New York, 1855.

#### QUESTIONS

What effect did the discovery of gold have at first on the growth of San Francisco? How did the discovery of gold later aid the city's growth indirectly? Describe how the rush to the gold fields paralyzed all ordinary business. How much did the price of labor rise? What was the character of the people at the mines? Describe the methods of mining. What prices were paid for commodities at the mines? What do you think caused such high prices—the abundance of gold or the scarcity of commodities? This is a question which probably cannot be answered authoritatively one way or the other. Economists are still uncertain whether or not the amount of money in circulation determines the price of commodities.



PART VI  
SLAVERY AND ABOLITION  
XXXIII  
GARRISONIAN ABOLITIONISM

It is not natural for a reformer filled with enthusiasm and zeal for a great ideal, to be tolerant of existing conditions; nor does he easily put up with legal or conventional restrictions which keep him from reaching his goal at a single bound. To this class of reformers belonged William Lloyd Garrison and his followers. They found much in the Constitution and laws to complain of: the Constitution recognized or made a union of States, in some of which slavery existed, and under the forms of law slavery in a State could not be touched by Congressional or other governmental action; the Constitution contained certain expressions which appeared to give recognition to slavery or even protect it. To the Garrisonians, therefore, it was sinful to participate in a government or accept the validity of a political system which recognized slavery, for slavery was itself a sin. Naturally because of the very nature of the crusade—a moral warfare against evil—they had no sympathy for the plodding, circuitous methods of practical politics.

A  
SLAVERY A POSITIVE EVIL

This declaration of policy appeared in the first number of the *Liberator*, the abolition newspaper begun at Boston by William Lloyd Garrison in 1831. This manifesto is usually quoted as the beginning of a new era in the movement against slavery. Thousands of prominent men before Garrison had deplored the existence of slavery and prayed for its extinction; but they had all believed in cautious and gradual remedies. It was left for

Garrison to stamp slavery as a sin that should lie heavy on the consciences both of those who owned slaves and of those who condoned or in any way abetted slavery. It was Garrison's policy by harsh words to bring home to men the fact that he considered slavery the great sin of the age, even if at first he only stirred them up to attack him. Anything was better, he thought, than allowing them to forget that slavery existed, that it was a crime, and that those who were not against it were for it.

. . . During my recent tour for the purpose of exciting the minds of the people by a series of discourses on the subject of slavery, every place that I visited gave fresh evidence of the fact that a greater revolution in public sentiment was to be effected in the Free States — *and particularly in New England* — than at the South. I found contempt more bitter, opposition more active, detraction more relentless, prejudice more stubborn, and apathy more frozen, than among slave-owners themselves. Of course, there were individual exceptions to the contrary. This state of things afflicted but did not dishearten me. I determined, at every hazard, to lift up the standard of emancipation in the eyes of the nation, *within sight of Bunker Hill and in the birthplace of liberty*. That standard is now unfurled; and long may it float, unhurt by the spoliations of time or the missiles of a desperate foe — yea, till every chain be broken, and every bondman set free! Let Southern oppressors tremble — let their secret abettors tremble — let their Northern apologists tremble — let all the enemies of the persecuted Blacks tremble.

I deem the publication of my original Prospectus unnecessary, as it has obtained a wide circulation. The principles therein inculcated will be steadily pursued in this paper, excepting that I shall not array myself as the political partisan of any man. In defending the great cause of human rights, I wish to derive the assistance of all religions and of all parties.

Assenting to the "self-evident truth" maintained in the

American Declaration of Independence, "that all men are created equal, and endowed by their Creator with certain inalienable rights—among which are life, liberty and the pursuit of happiness," I shall strenuously contend for the immediate enfranchisement of our slave population. In Park-Street Church, on the Fourth of July, 1820, in an address on slavery, I unreflectingly assented to the popular but pernicious doctrine of *gradual* abolition. I seize this opportunity to make a full and unequivocal recantation, and thus publicly to ask pardon of my God, of my country, and of my brethren, the poor slaves, for having uttered a sentiment so full of timidity, injustice, and absurdity. A similar recantation, from my pen, was published in the *Genius of Universal Emancipation* at Baltimore, in September, 1829. My conscience is now satisfied.

I am aware that many object to the severity of my language; but is there not cause for severity? *I will be* as harsh as truth, and as uncompromising as justice. On this subject I do not wish to think, or speak, or write, with moderation. No! no! Tell a man whose house is on fire to give a moderate alarm . . . tell the mother to gradually extricate her babe from the fire into which it is fallen; but urge me not to use moderation in a cause like the present. I am in earnest—I will not equivocate—I will not excuse—I will not retreat a single inch—AND I WILL BE HEARD. The apathy of the people is enough to make every statue leap from its pedestal, and to hasten the resurrection of the dead.

It is pretended, that I am retarding the cause of emancipation by the coarseness of my invective and the precipitancy of my measures. *The charge is not true.* On this question my influence,—humble as it is—is felt at this moment to a considerable extent, and shall be felt in coming years—not perniciously, but beneficially—not as a curse but as a blessing; and posterity will bear testimony that I was right. I desire to thank God, that he enables me to disregard "the fear of man which bringeth a snare,"

and to speak his truth in its simplicity and power. And here I close with this fresh dedication:

“Oppression! I have seen thee, face to face,  
And met thy cruel eye and cloudy brow;  
But thy soul-withering glance I fear not now —  
For dread to prouder feelings doth give place  
Of deep abhorrence! Scorning the disgrace  
Of slavish knees that at thy footstool bow,  
I also kneel — but with far other vow  
Do hail thee and thy herd of hirelings base: —  
I swear, while life-blood warms my throbbing veins,  
Still to oppose and thwart, with heart and hand,  
Thy brutalizing sway — till Afric’s chains  
Are burst, and Freedom rules the rescued land, —  
Trampling Oppression and his iron rod:  
*Such is the vow I take — SO HELP ME GOD!*”

WILLIAM LLOYD GARRISON.

BOSTON, January 1, 1831.

#### QUESTIONS

How did Garrison base his anti-slavery doctrine on the Declaration of Independence? What did he think of plans for gradual emancipation?

#### B

The abolitionists of Garrison’s type faced squarely the fact, which many good anti-slavery people tried not to see, that the Constitution of the United States recognized and protected the institution of slavery; that its apportionment of powers between national and state governments compelled citizens of the United States to abide in a union with slave-holders, without the opportunity to press on the national government the abolition of slavery in the States. Accordingly they considered any participation in any of the duties of citizenship and politics under the Constitution to be wrong; because it made them part-takers in the guilt of their slave-holding fellow-citizens. A later selection gives the account of how Garrison in pursuance of this idea burned the Constitution of the United States as a “covenant with death and an agreement with hell.”

II. The American Constitution is the exponent of the national compact. We affirm that it is an instrument which no man can innocently bind himself to support, because its anti-republican and anti-Christian requirements are explicit and peremptory; at least, so explicit that, in regard to all the clauses pertaining to slavery, they have been uniformly understood and enforced in the same way by all the courts and by all the people; and so peremptory that no individual interpretation or authority can set them aside with impunity. . . . *It means precisely what those who framed and adopted it meant*—NOTHING MORE, NOTHING LESS, *as a matter of bargain and compromise*. . . . No just or honest use of it can be made, in opposition to the plain intention of its framers, *except to declare the contract at an end, and to refuse to serve under it*.

To the argument, that the words "slaves" and "slaveholders" are not to be found in the Constitution, and therefore that it was never intended to give any protection or countenance to the slave system, it is sufficient to reply, that, though no such words are contained in that instrument, other words were used, intelligently and specifically, TO MEET THE NECESSITIES OF SLAVERY. . . .

Again, if it be said that those clauses, being immoral, are null and void—we reply, it is true they are not to be observed; but it is also true that they are portions of an instrument the support of which, AS A WHOLE, is required by oath or affirmation; and, therefore, *because they are immoral*, and BECAUSE OF THIS OBLIGATION TO ENFORCE IMMORALITY, no one can innocently swear to support the Constitution.

Again, if it be objected that the Constitution was formed by the people of the United States in order to establish justice, to promote the general welfare, and secure the blessings of liberty to themselves and their posterity, and therefore it is to be so construed as to harmonize with these objects; we reply, again, that its language is *not to be interpreted in a sense which neither of the contracting*

*parties understood*, and which would frustrate the very design of their alliance—to wit, *union at the expense of the colored population of the country*. Moreover, nothing is more certain than that the preamble alluded to never included, in the minds of those who framed it, *those who were then pining in bondage*—for, in that case, a general emancipation of the slaves would have instantly been proclaimed throughout the United States. The words, “secure the blessings of liberty to ourselves and our posterity,” assuredly meant only the white population. “To promote the general welfare,” referred to their own welfare exclusively. “To establish justice,” was understood to be for their sole benefit as slaveholders and the guilty abettors of slavery. This is demonstrated by other parts of the same instrument, and by their own practice under it.

We would not detract aught from what is justly their due; but it is as reprehensible to give them credit for *what they did not possess*, as it is to rob them of what is theirs. It is absurd, it is false, it is an insult to the common sense of mankind, to pretend that the Constitution was intended to embrace the entire population of the country under its sheltering wings; or that the parties to it were actuated by a sense of justice and the spirit of impartial liberty; or that it needs no alteration, but only a new interpretation, to make it harmonize with the object aimed at by its adoption. As truly might it be argued that because it is asserted in the Declaration of Independence that all men are created equal, and endowed with an inalienable right to liberty, therefore none of its signers were slaveholders, and, since its adoption, slavery has been banished from the American soil! The truth is, our fathers were intent on securing liberty *to themselves*, without being very scrupulous as to the means they used to accomplish their purpose. . . . Why, then, concede to them virtues which they did not possess? *Why cling to the falsehood that they were no respecters of persons in the formation of the Government?* Alas! that they had no fear of God, no more

regard for man, in their hearts! "The iniquity of the house of Israel and Judah [the North and the South] is exceeding great, and the land is full of blood, and the city full of perverseness; for they say, The Lord hath forsaken the earth, and the Lord seeth not."<sup>1</sup>

*The Liberator*, Vol. 14, p. 86.

#### QUESTIONS

What did Garrison say was the position of the Constitution with respect to slavery? How did he dispose of the quibbles that the word "slave" was not used in the Constitution? that in swearing to support it, one did not swear to support the slavery clauses because, being morally wrong, they were null and void? Did he think it possible to interpret it as anti-slavery because the preamble stated the purpose of the document to be the establishment of justice, etc? What did he say the words meant?

#### C

He should now proceed to perform an action which would be the testimony of his own soul, to all present, of the estimation in which he held the pro-slavery laws and deeds of the nation. Producing a copy of the *Fugitive Slave Law*, he set fire to it, and it burnt to ashes. Using an old and well-known phrase, he said, "And let all the people say, *Amen*"; and a unanimous cheer and shout of "Amen" burst from the vast audience. In like manner Mr. Garrison burned the decision of Edward G. Loring in the case of Anthony Burns, and the late charge of Judge Benjamin R. Curtis to the United States Grand Jury in reference to the "treasonable" assault upon the Court House for the rescue of the fugitive—the multitude ratifying the fiery immolation with shouts of applause. Then, holding up the U.[nited] S.[tates] Constitution, he branded it as the source and parent of all the other atrocities,—“a covenant with death and an agreement with hell,”—and consumed it to ashes on the spot, exclaiming, “So perish all com-

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<sup>1</sup> Ezekiel 9:9.

promises with tyranny! And let all the people say, Amen!" A tremendous shout of "Amen!" went up to heaven in ratification of the deed, mingled with a few hisses and wrathful exclamations from some who were evidently in a rowdyish state of mind, but who were at once cowed by the popular feeling.

*The Liberator*, Vol. 24, p. 106. July 4, 1854.

#### QUESTION

What fact did Garrison wish to impress on his audience by burning the Constitution?

### XXXIV

#### SLAVERY A POSITIVE GOOD

This speech was delivered by Calhoun in the Senate, February 6, 1837. It was prefaced by the reading at Calhoun's request of two of the numerous anti-slavery petitions on the table of the Senate.

Note that Calhoun nowhere takes up the question as to whether slavery in itself and in the abstract is right or wrong. He argues only for its being expedient, and for its making life more comfortable physically for both whites and blacks. He contends chiefly that when two races are together one must rule and the other be ruled, and the situation in the South was a practical fact; but he defends the condition as preëminently making for peace and happiness. It is very doubtful if his statement that African slavery had not retarded the whites of the South intellectually is correct. Note Calhoun's assumptions that in any civilized society a few persons will acquire leisure and luxury by living on the labor of the great masses of the people; and that in any such society there is bound to be a conflict between capital and labor; these are the assumptions on which the Socialists at present base their argument for the doing away with the present industrial system. Calhoun's argument for slavery based on the South's success in avoiding this conflict is hardly conclusive; the settlement that slavery afforded was in effect to leave the laborer helplessly dependent on



the employer with no chance for opposing his will. Even if it could be shown that the whites or the slave owners—and by no means all whites owned slaves—what of the laborer? Is the ultimate in human society the ownership of laborer by capitalist?

I do not belong, said Mr. C., to the school which holds that aggression is to be met by concession. Mine is the opposite creed, which teaches that encroachments must be met at the beginning, and that those who act on the opposite principle are prepared to become slaves. In this case, in particular. I hold concession or compromise to be fatal. If we concede an inch, concession would follow concession—compromise would follow compromise, until our ranks would be so broken that effectual resistance would be impossible. We must meet the enemy on the frontier, with a fixed determination of maintaining our position at every hazard. Consent to receive these insulting petitions, and the next demand will be that they be referred to a committee in order that they may be deliberated and acted upon. At the last session we were modestly asked to receive them, simply to lay them on the table, without any view to ulterior action. . . . I then said, that the next step would be to refer the petition to a committee, and I already see indications that such is now the intention. If we yield, that will be followed by another, and we will thus proceed, step by step, to the final consummation of the object of these petitions. We are now told that the most effectual mode of arresting the progress of abolition is, to reason it down; and with this view it is urged that the petitions ought to be referred to a committee. That is the very ground which was taken at the last session in the other House, but instead of arresting its progress it has since advanced more rapidly than ever. The most unquestionable right may be rendered doubtful, if once admitted to be a subject of controversy, and that would be the case in the present instance. The subject is beyond the jurisdiction of Congress—they have no right to touch it in

any shape or form, or to make it the subject of deliberation or discussion. . . .

As widely as this incendiary spirit has spread, it has not yet infected this body, or the great mass of the intelligent and business portion of the North; but unless it be speedily stopped, it will spread and work upwards till it brings the two great sections of the Union into deadly conflict. This is not a new impression with me. Several years since, in a discussion with one of the Senators from Massachusetts (Mr. Webster), before this fell spirit had showed itself, I then predicted that the doctrine of the proclamation and the Force Bill—that this Government had a right, in the last resort, to determine the extent of its own powers, and enforce its decision at the point of the bayonet, which was so warmly maintained by that Senator, would at no distant day arouse the dormant spirit of abolitionism. I told him that the doctrine was tantamount to the assumption of unlimited power on the part of the Government, and that such would be the impression on the public mind in a large portion of the Union. The consequence would be inevitable. A large portion of the Northern States believed slavery to be a sin, and would consider it as an obligation of conscience to abolish it if they should feel themselves in any degree responsible for its continuance, and that this doctrine would necessarily lead to the belief of such responsibility. I then predicted that it would commence as it has with this fanatical portion of society, and that they would begin their operations on the ignorant, the weak, the young, and the thoughtless,—and gradually extend upwards till they would become strong enough to obtain political control, when he and others holding the highest stations in society, would, however reluctant, be compelled to yield to their doctrines, or be driven into obscurity. But four years have since elapsed, and all this is already in a course of regular fulfilment.

Standing at the point of time at which we have now arrived, it will not be more difficult to trace the course of fu-

ture events now than it was then. They who imagine that the spirit now abroad in the North, will die away of itself without a shock or convulsion, have formed a very inadequate conception of its real character; it will continue to rise and spread, unless prompt and efficient measures to stay its progress be adopted. Already it has taken possession of the pulpit, of the schools, and, to a considerable extent, of the press; those great instruments by which the mind of the rising generation will be formed.

However sound the great body of the non-slaveholding States are at present, in the course of a few years they will be succeeded by those who will have been taught to hate the people and institutions of nearly one-half of this Union, with a hatred more deadly than one hostile nation ever entertained towards another. It is easy to see the end. By the necessary course of events, if left to themselves, we must become, finally, two people. It is impossible under the deadly hatred which must spring up between the two great nations, if the present causes are permitted to operate unchecked, that we should continue under the same political system. The conflicting elements would burst the Union asunder, powerful as are the links which hold it together. Abolition and the Union cannot co-exist. As the friend of the Union I openly proclaim it,—and the sooner it is known the better. The former may now be controlled, but in a short time it will be beyond the power of man to arrest the course of events. We of the South will not, cannot, surrender our institutions. To maintain the existing relations between the two races, inhabiting that section of the Union, is indispensable to the peace and happiness of both. It cannot be subverted without drenching the country in blood, and extirpating one or the other of the races. . . . But let me not be understood as admitting, even by implication, that the existing relations between the two races in the slaveholding States is an evil:—far otherwise; I hold it to be a good, as it has thus far proved itself to be to both, and will continue to

prove so if not disturbed by the fell spirit of abolition. I appeal to facts. Never before has the black race of Central Africa, from the dawn of history to the present day, attained a condition so civilized and so improved, not only physically, but morally and intellectually.

In the meantime, the white or European race, has not degenerated. It has kept pace with its brethren in other sections of the Union where slavery does not exist. It is odious to make comparison; but I appeal to all sides whether the South is not equal in virtue, intelligence, patriotism, courage, disinterestedness, and all the high qualities which adorn our nature.

But I take higher ground. I hold that in the present state of civilization, where two races of different origin, and distinguished by color, and other physical differences, as well as intellectual, are brought together, the relation now existing in the slaveholding States between the two, is, instead of an evil, a good — a positive good. I feel myself called upon to speak freely upon the subject where the honor and interests of those I represent are involved. I hold then, that there never has yet existed a wealthy and civilized society in which one portion of the community did not, in point of fact, live on the labor of the other. Broad and general as is this assertion, it is fully borne out by history. This is not the proper occasion, but, if it were, it would not be difficult to trace the various devices by which the wealth of all civilized communities has been so unequally divided, and to show by what means so small a share has been allotted to those by whose labor it was produced, and so large a share given to the non-producing classes. The devices are almost innumerable, from the brute force and gross superstition of ancient times, to the subtle and artful fiscal contrivances of modern. I might well challenge a comparison between them and the more direct, simple, and patriarchal mode by which the labor

of the African race is, among us, commanded by the European. I may say with truth, that in few countries so much is left to the share of the laborer, and so little exacted from him, or where there is more kind attention paid to him in sickness or infirmities of age. Compare his condition with the tenants of the poor houses in the more civilized portions of Europe—look at the sick, and the old and infirm slave, on one hand, in the midst of his family and friends, under the kind superintending care of his master and mistress, and compare it with the forlorn and wretched condition of the pauper in the poorhouse. But I will not dwell on this aspect of the question; I turn to the political; and here I fearlessly assert that the existing relation between the two races in the South, against which these blind fanatics are waging war, forms the most solid and durable foundation on which to rear free and stable political institutions. It is useless to disguise the fact. There is and always has been in an advanced stage of wealth and civilization, a conflict between labor and capital. The condition of society in the South exempts us from the disorders and dangers resulting from this conflict; and which explains why it is that the political condition of the slaveholding States has been so much more stable and quiet than that of the North. . . . Surrounded as the slaveholding States are with such imminent perils, I rejoice to think that our means of defense are ample, if we shall prove to have the intelligence and spirit to see and apply them before it is too late. All we want is concert, to lay aside all party differences and unite with zeal and energy in repelling approaching dangers. Let there be concert of action, and we shall find ample means of security without resorting to secession or disunion.<sup>1</sup> I speak with full knowledge and a thorough examination of the subject, and for one see my way clearly. . . . I dare not hope that anything I can say will arouse the South to a due sense of danger; I fear it is beyond the power of mortal voice to

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<sup>1</sup> For Calhoun's attitude toward the Union, see pp. 252-3.

awaken it in time from the fatal security into which it has fallen.

R. K. Crallé: *Speeches of John C. Calhoun*, Vol. II, pp. 620-633. D. Appleton and Co., New York, 1853.

#### QUESTIONS

What did Calhoun think would be the results of making concessions to the Abolitionists by receiving their petitions or referring the petitions to committees? What was the estimate Calhoun put on the ability and importance of the Abolitionists? By what means were they advancing their ideas? What did he think would be the result of this process unless it was checked, on the sentiment of the North toward the South? On the permanence of the Union? What did Calhoun think had been the effect of American slavery on the negro race? On the white race? State exactly under what circumstances Calhoun thought slavery a "positive good." Can you state anything in the present relations between whites and blacks, which, in your judgment, tends to support his conclusions or which might be so interpreted? Did Calhoun think that a civilized society had ever existed in which a few non-producers did not live on the labor of the great mass? Admitting this to be so, what advantages did Calhoun think that the slave system had both for masters and slaves over systems of free labor? In what sense were the political institutions of the South "free"? Does this speech anywhere raise the question as to whether it is morally right or wrong for one man to enslave another and to live off his labor? Contrast this with Lincoln's attitude toward slavery.

### XXXV

#### JOHN QUINCY ADAMS ON SLAVERY

John Quincy Adams after his defeat for reelection to the Presidency was elected a member of the House of Representatives in 1831 and retained his seat until his death in 1848. In Congress he was an unflinching opponent of the pro-slavery party which was taking form during his term of service. The two extracts from his diary illustrate the attitude of anti-slavery men who had no sympathy with Garrison's insistence on immediate abolition. As much aware as Garrison of the incompatibility of slavery with democratic ideas of the rights of man,

and as much convinced as Garrison of the wickedness of slavery, Adams considered Garrison's insistence on immediate abolition so hopeless as to be ridiculous. At the same time the violent intolerance of the South in resenting all attacks on slavery, and the supineness with which the men of the North accepted Southern domination increasingly aroused his wrath, disgust, and despair.

*August 18th, 1835.* . . . There is something extraordinary in the present condition of parties throughout the Union. Slavery and democracy, especially the democracy founded, as ours is, upon the rights of man, would seem to be incompatible with each other. And yet at this time the democracy of the country is supported chiefly, if not entirely, by slavery. There is a small, shallow, and enthusiastic party preaching the abolition of slavery upon the principles of extreme democracy; but the democratic spirit and the popular feeling is everywhere against them. There have been riots at Washington not much inferior in atrocity to those at Baltimore. . . . In the State of Mississippi they have hanged up several persons for circulating abolition pamphlets. In Charleston, South Carolina, the principal men of the State, with the late Governor, Hayne, at their head, seize upon the mails, with the coöperation of the Postmaster himself, and purify it of the abolition pamphlets; and the Postmaster-General, Amos Kendall, neither approves nor disapproves of this proceeding. At Washington, a man named Crandall had been imprisoned for circulating incendiary pamphlets, and in Halifax County, Virginia, a man named David F. Robertson, a Scotch teacher, was in danger of his life, because another man named Robertson was suspected of having dropped in a steamboat the first number of a newspaper printed at New York with the title of *Human Rights*. In Boston, there is a call for a town-meeting, signed by more than five hundred names, with H. G. Otis and P. C. Brooks at their head. This meeting is to be held next Friday, and is to pass resolutions against the abolitionists to soothe and

conciliate the temper of the Southern slave-holders. All this is democracy and the rights of man.

*March 29th, 1841.* . . . I am yet to revise for publication my argument in the case of the *Amistad*<sup>1</sup> Africans; and in merely glancing over the slave-trade papers lent me by Mr. Fox, I find impulses of duty upon my own conscience which I cannot resist, while on the other hand are the magnitude, the danger, the insurmountable burden of labor to be encountered in the undertaking to touch upon the slave-trade. No one else will undertake it; no one but a spirit unconquerable by man, woman, or fiend can undertake it but with the heart of martyrdom. The world, the flesh, and all the devils in hell are arrayed against any man who now in this North American Union shall dare to join the standard of Almighty God to put down the African slave-trade: and what can I, upon the verge of my seventy-fourth birthday, with a shaking hand, a darkening eye, a drowsy brain, and with all my faculties dropping from me one by one, as the teeth are dropping from my head—what can I do for the cause of God and man, for the progress of human emancipation, for the suppression of the African slave-trade? Yet my conscience presses me on; let me but die upon the breach.

*Memoirs of John Quincy Adams*, Vol. IX, p. 255; Vol. X, p. 453. J. B. Lippincott Co., Philadelphia, 1874.

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<sup>1</sup> Certain negroes had been imported from Africa to Cuba where they were put on board the *Amistad*, which sailed from Havana to Puerto Principe. The slaves rose and seized the vessel; it was finally taken off Long Island by a United States warship. The Spanish government urged the return of the slaves to their Spanish masters, but the question arose as to whether they were not free even by Spanish law which recognized the unlawfulness of the trade. The case finally went to the Supreme Court, where Adams argued the cause of the slaves and secured their freedom.



## XXXVI

A FAVORABLE VIEW OF THE SLAVE SYSTEM<sup>1</sup>

His plantation was considered a model one, and was visited by planters anxious to learn his methods. He was asked how he made his negroes do good work. His answer was that a laboring man could do more work and better work in five and a half days than in six. He used to give the half of Saturdays to his negroes, unless there was a great press of work; but a system of rewards was more efficacious than any other method. He distributed prizes of money among his cotton-pickers every week during the season, which lasted four or five months. One dollar was the first prize, a Mexican coin valued at eighty-seven and a half cents the second, seventy-five cents the third, and so on, down to the smallest prize, a small Mexican coin called picayune, which was valued at six and a quarter cents. The decimal nomenclature was not in use there. The coins were spoken of as "bits." . . . The master gave money to all who worked well for the prizes, whether they won them or not. When one person picked six hundred pounds in 2 day, a five-dollar gold-piece was the reward. On most other plantations four hundred pounds or three hundred and fifty or three hundred was considered a good day's work, but on the Burleigh place many picked five hundred pounds. All had to be picked free of trash. No one could do this who had not been trained in childhood. To get five hundred pounds a picker had to use both hands at once. Those who went into the cotton-fields after they were grown only knew how to pull out cotton by holding on to the stalk with one hand and picking it out with the other. Two hundred pounds a day would be a liberal estimate of what the most industrious could do in this manner. A very tall and lithe young woman, one of mammy's "Brer Billy's" chil-

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<sup>1</sup> For introductory remarks *see* Selection XXVII.

dren, was the best cotton-picker at Burleigh. She picked two rows at a time, going down the middle with both arms extended and grasping the cotton bolls with each hand. Some of the younger generation learned to imitate this. At Christmas Nelly's share of the prize money was something over seventeen dollars. Her pride in going up to the master's desk to receive it, in the presence of the assembled negroes, as the acknowledged leader of the cotton-pickers, was a matter of as great interest to the white family as to her own race.

Susan Dabney Smedes: *A Southern Planter*, pp. 31-32. London, 1889.

#### QUESTIONS

What was the system of rewards used by Col. Dabney? How efficacious did it seem to be? Compare this with the statement quoted from Olmsted in regard to rewards and punishments. (See Selection XXXVII.)

### XXXVII

#### A NORTHERNER'S VIEW OF SLAVERY

To the generation that has grown up since the Civil War Frederick Law Olmsted is mainly known as a landscape architect. He made several trips through the South as a newspaper correspondent in the late fifties. His accounts of his experiences and observations collected in several books, besides the one from which this extract is taken, give us a picture of slavery and of social and economic conditions in the Slave States, as seen through the eyes of a Northern farm owner, who though hostile to slavery tried to see it as it was and to record its results fairly. In considering his conclusions allowance should be made for the effect of his pet theory, namely, that for cotton growing free labor would be more efficient all in all than slave labor. In choosing the following extracts, omission has been made of his accounts of what he saw of the seamy side of slavery. The title of the work quoted, *The Cotton Kingdom*, introduces us to American slavery in its last phase;

the price of slaves and the conditions of slavery throughout the South depended in large measure on the degree of profit in growing cotton with slave labor on a comparatively few big plantations.

*Chapter I. The Present Crisis.*

My own observation of the real condition of the people of our Slave States, gave me, on the contrary, an impression that the cotton monopoly in some way did them more harm than good; and, although the written narration of what I saw was not intended to set this forth, upon reviewing it for the present publication, I find the impression has become a conviction. . . .

Coming directly from my farm in New York to Eastern Virginia, I was satisfied, after a few weeks' observation, that the most of the people lived very poorly; that the proportion of men improving their condition was much less than in any Northern community; and that the natural resources of the land were strangely unused, or were used with poor economy. . . .

I soon ascertained that a much larger number of hands, at much larger aggregate wages, was commonly reckoned to be required to accomplish certain results, than would have been the case at the North. . . . I compared notes with every Northern man I met who had been living for some time in Virginia, and some I found able to give me quite exact statements of personal experience, with which, in the cases they mentioned, it could not be doubted that laborers costing, all things considered, the same wages, had taken four times as long to accomplish certain tasks of rude work in Virginia as at the North, and that in house service, four servants accomplished less, while they required vastly more looking after, than one at the North. . . .

. . . The following conclusions to which my mind tended strongly in the first month, though I did not then adopt them altogether with confidence, were established at length in my convictions. . . .

3. Taking infants, aged, invalid, and vicious and knavish slaves into account, the ordinary and average cost of a certain task of labor is more than double in Virginia, what it is in the Free States adjoining.
4. The use of land and nearly all other resources of wealth in Virginia is much less valuable than the use of similar property in the adjoining Free States, these resources having no real value until labor is applied to them. (The Census returns of 1850 show that the sale value of farm lands by the acre in Virginia is less than one-third the value of farm lands in the adjoining Free State of Pennsylvania, and less than one-fifth than that of the farm lands of the neighboring Free State of New Jersey.)
5. Beyond the bare necessities of existence, poor shelter, poor clothing, and the crudest diet, the mass of the citizen class of Virginia earn very little and are very poor—immeasurably poorer than the mass of the people of the adjoining Free States.
6. So far as this poverty is to be attributed to personal constitution, character, and choice, it is not the result of climate.
7. What is true of Virginia is measurably true of all the border Slave States, though in special cases the resistance of slavery to a competition of free labor is more easily overcome. In proportion as this is the case, the cost of production is less, the value of production greater, the comfort of the people is greater; they are advancing in wealth as they are in intelligence, which is the best form or result of wealth.

I went on my way into the so-called Cotton States, within which I traveled over, first and last, at least three thousand miles of roads, from which not a cotton plant was to be seen, and the people living by the side of which certainly had not been made rich by cotton or anything else. And for every mile of roadside upon which I saw any evidence

of cotton production, I am sure that I saw a hundred of forest or waste land, with only now and then an acre or two of poor corn half smothered in weeds; for every rich man's house, I am sure that I passed a dozen shabby and half-furnished cottages and at least a hundred cabins — mere hovels, such as none but a poor farmer would house his cattle in at the North. . . .

But, much cotton is produced in the Cotton States, and by the labour of somebody; much cotton is sold and somebody must be paid for it; there are rich people; there are good markets; there is hospitality, refinement, virtue, courage, and urbanity at the South. All this is proverbially true. Who produces the cotton? who is paid for it? where are, and who are, the rich and gentle people?

I can answer in part at least.

I have been on plantations on the Mississippi, the Red River, and the Brazos Bottoms, whereon I was assured that ten bales of cotton to each average prime field-hand had been raised. The soil was a perfect garden mold, well drained and guarded by levees against the floods; it was admirably tilled; I have seen but few Northern farms so well tilled; the laborers were, to a large degree, tall, slender, sinewy, young men, who worked from dawn to dusk, not with spirit, but with steadiness and constancy. . . . They had the best sort of gins and presses, so situated that from them cotton bales could be rolled in five minutes to steamboats, bound direct to the ports on the gulf. They were superintended by skilful and vigilant overseers. These plantations were all large, so large as to yet contain much fresh land, ready to be worked as soon as the cultivated fields gave out in fertility. If it was true that ten bales of cotton to the hand had been raised on them, then their net profit for the year had been, not less than two hundred and fifty dollars for each hand employed. Even at seven bales to the hand the profits of cotton planting are enormous. . . . And a great many large plantations do produce seven bales to the hand for years in succession. A

great many more produce seven bales occasionally. A few produce even ten bales occasionally, though by no means as often as is reported.

. . . There are millions of acres of land yet untouched, which if leveed and drained and fenced, and well cultivated, might be made to produce with good luck seven or more bales to the hand. It would cost comparatively little to accomplish it—one lucky crop would repay all the outlay for land and improvements—if it were not for “the hands.” The supply of hands is limited. . . . And so the price of good laborers is constantly gambled up to a point, where, if they produce ten bales to the hand, the purchaser will be as fortunate as he who draws the high prize of the lottery; where, if they produce seven bales to the hand, he will still be in luck; where, if rot, or worm, or floods, or untimely rains or frosts occur, reducing the crop to one or two bales to the hand, as is often the case, the purchaser will have drawn a blank.

That, all things considered, the value of the labour of slaves does not, on an average, by any means justify the price paid for it, is constantly asserted by the planters, and it is true. At least beyond question it is true, and I think that I have shown why, that there is no difficulty in finding purchasers for all the good slaves that can be got by traders, at price considerably more than they are worth for the production of cotton *under ordinary circumstances*. The supply being limited, those who grow cotton on the most productive soils, and with the greatest advantages in all other respects, not only can afford to pay more than others, for all the slaves which can be brought into market, but they are driven to a ruinous competition among themselves, and slaves thus get a fictitious value like stocks “in a corner. . . .”

### *Chapter III. Virginia — Glimpses by Railroad.*

A well-informed capitalist and slave-holder remarked, that negroes could not be employed in cotton factories. I said

that I understood they were so in Charleston, and some other places at the South.

"It may be so, yet," he answered, "but they will have to give it up."

The reason was, he said, that the negro could never be trained to exercise judgment: he cannot be made to use his mind: he always depends on machinery doing its own work, and cannot be made to watch it. He neglects it until something is broken or there is great waste. "We have tried rewards and punishments, but it makes no difference. It's his nature and you cannot change it. All men are indolent and have a disinclination to labor, but this is a great deal stronger in the African race than in any other. In working niggers, we must always calculate that they will not labor at all except to avoid punishment, and they will never do more than just enough to save themselves from being punished, and no amount of punishment will prevent their working carelessly and indifferently. It always seems on the plantation as if they took pains to break all the tools and spoil all the cattle that they possibly can, even when they know they'll be directly punished for it."

As to rewards, he said, "They only want to support life: they will not work for anything more; and in this country it would be hard to prevent their getting that."

#### *Chapter VI. South Carolina, and Georgia, Surveyed.*

My directions not having been sufficiently explicit, I rode on, by a private lane, to one of these. It consisted of some thirty neatly-whitewashed cottages, with a broad avenue, planted with Pride-of-China trees between them.

The cottages were framed buildings, boarded on the outside, with shingle roofs and brick chimneys; they stood fifty feet apart, with gardens and pig-yards, enclosed by palings, between them. At one, which was evidently the "sick house," or hospital, there were several negroes of both sexes, wrapped in blankets, and reclining on the door-

steps or on the ground, basking in the sunshine. Some of them looked ill, but all were chatting and laughing as I rode up to make an inquiry. I learned that it was not the plantation I was intending to visit, and received a direction, as usual, so indistinct and incorrect that it led me wrong.

At another plantation which I soon afterwards reached, I found the "settlement" arranged in the same way, the cabins only being of a slightly different form. In the middle of one row was a well-house, and opposite it, on the other row, was a mill-house, with stones, at which the negroes grind their corn. It is a kind of pestle and mortar; and I was informed afterwards that the negroes prefer to take their allowance of corn and crack it for themselves, rather than to receive meal, because they think the mill-ground meal does not make as sweet bread.

At the head of the settlement, in a garden looking down the street, was an overseer's house, and here the road divided, running each way at right angles; on one side to barns and a landing on the river, on the other toward the mansion of the proprietor. . . .

At the upper end was the owner's mansion, with a circular court-yard around it, and an irregular plantation of great trees; one of the oaks, as I afterwards learned, seven feet in diameter of trunk, and covering with its branches a circle of one hundred and twenty feet in diameter. As I approached it, a smart servant came out to take my horse. I obtained from him a direction to the residence of the gentleman I was searching for, and rode away, glad that I had stumbled into so charming a place. . . .

The plantation which contains Mr. X's winter residence has but a small extent of rice land, the greater part of it being reclaimed upland swamp soil, suitable for the culture of Sea Island cotton. The other plantation contains over five hundred acres of rice-land, fitted for irrigation; the remainder is unusually fertile reclaimed upland swamp, and some hundred acres of it are cultivated for maize and Sea Island cotton.



There is a "negro settlement" on each; but both plantations, although a mile or two apart, are worked together as one, under one overseer—the hands being drafted from one to another as their labor is required. Somewhat over seven hundred acres are at the present time under the plow in the two plantations: the whole number of negroes is two hundred, and they are reckoned to be equal to about one hundred prime hands—an unusual strength for that number of all classes. . . .

The house-servants are more intelligent, understand and perform their duties better, and are more appropriately dressed than any I have seen before. The labor required of them is light, and they are treated with much more consideration for their health and comfort than is usually given to that of free domestics. They live in brick cabins, adjoining the house and stables, and one of these into which I have looked is neatly and comfortably furnished. Several of the house-servants, as is usual, are mulattoes, and good-looking. The mulattoes are generally preferred for indoor occupations. Slaves brought up to housework dread to be employed at field-labour; and those accustomed to the comparatively unconstrained life of the negro-settlement, detest the close control and careful movements required of the house-servants. It is a punishment for a lazy field-hand, to employ him in menial duties at the house, as it is to set a sneaking sailor to do the work of a cabin-servant; and it is equally a punishment to a neglectful house-servant, to banish him to the field-gangs. . . .

It is a custom with Mr. X, when on the estate, to look each day at all the work going on, inspect the buildings, boats, embankments, and sluice-ways, and examine the sick. Yesterday I accompanied him in one of these daily rounds.

After a ride of several miles through the woods, in the rear of the plantations we came to his largest negro-settlement. There was a street, or common, two hundred feet wide, on which the cabins of the negroes fronted. Each

cabin was a framed building, the walls boarded and white-washed on the outside, lathed and plastered within, the roof shingled; forty-two feet long, twenty-one feet wide, divided into two family tenements, each twenty-one by twenty-one; each tenement divided into three rooms—one the common household apartment, twenty-one by ten; each of the others (bedrooms), ten by ten. There was a brick fire-place in the middle of the long side of each living-room, the chimneys rising in one, in the middle of the roof. Besides these rooms, each tenement had a cock-loft, entered by steps from the household room. Each tenement is occupied, on an average, by five persons. There were in them closets, with locks and keys, and a varying quantity of rude furniture. Each cabin stood two hundred feet from the next, and the street in front of them being two hundred feet wide, they were just that distance apart each way. The people were nearly all absent at work, and had locked their outer doors, taking the keys with them. Each cabin has a front and back door, and each room a window, closed by a wooden shutter, swinging outward, on hinges. Between each tenement and the next house, is a small piece of ground, inclosed with palings, in which are coops of fowl with chickens. . . . There were a great many fowls in the street. The negroes' swine are allowed to run in the woods, each owner having his own distinguished by a peculiar mark. In the rear of the yards were gardens—a half-acre to each family. Internally the cabins appeared dirty and disordered, which was rather a pleasant indication that their home life was not much interfered with, though I found certain police regulations were enforced. . . .

From the settlement, we drove to the "mill"—not a flouring mill, though I believe there is a run of stones in it—but a monster barn, with more extensive and better machinery for threshing and storing rice, driven by a steam-engine, than I have ever seen used for grain before. Adjoining the mill-house were shops and sheds, in which blacksmiths, carpenters, and other mechanics—all slaves,

belonging to Mr. X—were at work. He called my attention to the excellence of their workmanship, and said that they exercised as much ingenuity and skill as the ordinary mechanics that he was used to employ in New England. . . .

The plowmen got their dinner at this time: those not using horses do not usually dine till they have finished their tasks: but this, I believe, is optional with them. They commence work, I was told, at sunrise, and at about eight o'clock have breakfast brought to them in the field, each hand having left a bucket with the cook for that purpose. All who are working in connection, leave their work together, and gather about a fire, where they generally spend about half an hour. The provisions furnished, consist mainly of meal, rice, and vegetables, with salt and molasses, and occasionally bacon, fish, and coffee. The allowance is a peck of meal, or an equivalent quantity of rice per week, to each working hand, old or young, besides small stores. Mr. X says that he has lately given a less amount of meat than is now usual on plantations, having observed that the general health of the negroes is not as good as formerly, when no meat at all was customarily given them. (The general impression among planters is, that the negroes work much better for being supplied with three or four pounds of bacon a week.). . .

The field-hands are all divided into four classes, according to their physical capacities. The children beginning as "quarter hands," advancing to "half hands," and then to "three-quarter hands:" and finally, when mature, and able-bodied, healthy, and strong, to "full hands." As they decline in strength, from age, sickness, or other cause, they retrograde in the scale, and proportionately less labor is required of them. Many, of naturally weak frame, never are put among the full hands. Finally, the aged are left out at the annual classification, and no more regular field-work is required of them, although they are generally provided with some light, sedentary occupation. . . .

The whole plantation [one near Natchez], including the swamp land around it and owned with it, covered several square miles. It was four miles from the settlement to the nearest neighbor's house. There were between thirteen and fourteen hundred acres under cultivation with cotton, corn, and other hoed crops, and two hundred hogs running at large in the swamp. It was the intention that corn and pork enough should be raised to keep the slaves and cattle. This year, however, it has been found necessary to purchase largely, and such was probably usually the case, though the overseer intimated the owner had been displeased, and he "did not mean to be caught so bad again." . . .

There were 135 slaves, big and little, of which 67 went to field regularly — equal, the overseer thought, to fully 60 prime hands. Besides these, there were 3 mechanics (blacksmith, carpenter, and wheel-wright), 2 seamstresses, 1 cook, 1 stable servant, 1 hog-tender, 1 teamster, 1 house servant (overseer's cook). . . . These were all first-class hands; most of them would be worth more, if they were for sale, the overseer said, than the best field-hands. There was also a driver of the hoe-gang who did not labor personally, and a foreman of the plow-gang. These two acted as petty officers in the field, and alternately in the quarters. . . .

We found in the field thirty plows, moving together, turning the earth from the cotton plants, and from thirty to forty hoers, the latter mainly women, with a black driver walking about among them with a whip, which he often cracked at them, sometimes allowing the lash to fall lightly upon their shoulders. He was constantly urging them also with his voice. . . .

I asked at what time they began to work in the morning. "Well," said the overseer, "I do better by my niggers than most. I keep 'em right smart at their work while they do work, but I generally knock 'em off at 8 o'clock in the morning, Saturdays, and give 'em all the rest of the day

to themselves, and I always gives 'em Sundays, the whole day. Pickin' time, and when the crap's bad in grass, I sometimes keep 'em to it till about sunset, Saturdays, but I never work 'em Sundays."

"How early do you start them out in the morning, usually?"

"Well, I don't never start my niggers 'fore daylight. 'less 'tis in pickin' time, then maybe I get 'em out a quarter of an hour before. But I keep 'em right smart to work through the day." He showed an evident pride in the vigilance of his driver, and called my attention to the large area of ground already hoed over that morning; well hoed, too, as he said.

"At what time do they eat?" I asked. They ate "their snacks" in their cabins, he said, before they came out in the morning (that is before daylight—the sun rising at this time at a little before five, and the day dawning, probably, an hour earlier); then at twelve o'clock their dinner was brought to them in a cart—one cart for the plow-gang and one for the hoe-gang. . . . All worked as late as they could see to work well, and had no more food nor rest until they returned to their cabins. At half-past nine o'clock, the drivers, each on an alternate night, blew a horn, and at ten visited every cabin to see that its occupants were at rest, and not lurking about and spending their strength in fooleries, and that the fires were safe—a very unusual precaution; the negroes are generally at liberty after their day's work is done till they are called in the morning. . . . The allowance of food was a peck of corn and four pounds of pork per week, each. When they could not get "greens" (any vegetables) he generally gave them five pounds of pork. They had gardens, and raised a good deal for themselves; they also had fowls, and usually plenty of eggs. . . .

This was the only large plantation I had an opportunity of seeing at all closely, over which I was not chiefly conducted by an educated gentleman and slave owner, by whose

habitual impressions and sentiments my own were probably somewhat influenced. From what I saw in passing, and from what I heard by chance of others, I suppose it to have been a very favorable specimen of those plantations on which the owners do not reside. A merchant of the vicinity recently in New York tells me that he supposes it to be a fair enough example of plantations of its class.

F. L. Olmsted: *The Cotton Kingdom*, Vol. I, pp. 8-16, 100, 233-46; Vol. II, pp. 176-179. Mason Brothers, New York, 1861.

#### QUESTIONS

What were Olmsted's conclusions as to the comparative prosperity and comfort of Whites, North and South? How much did Olmsted think was the difference in cost between work of the same kind done by slaves in the South and by free workmen in the North? How much of the land of the Cotton States would you judge from Olmsted was actually used in raising cotton? Under what conditions could seven and ten bales of cotton to the hand be grown throughout the South? Was it for lack of fertile land or for lack of money to invest in "hands" that raising cotton on this scale could not be more general? With how much certainty could one calculate on such a yield? Explain Olmsted's statement that the value of slave labor did not in general justify the price paid for slaves. How did the "gambling instinct" then lead planters to pay unjustifiable prices for slaves? State the reasons why slaves could not be employed in factories using machinery? Could anything be done to employ them by a system of rewards and punishments? Do you find anything in this extract to disprove the statement on page 221? Anything in other selections? (Cf. Smedes.) Were these reasons applicable to *slave* labor or to *negro* labor? Explain the distinction. Are negroes now commonly employed in factories? Describe the negro settlements told of in the three plantations that are mentioned. How many prime hands could be counted on to two hundred negro slaves? Could a master then depend on all the slaves he owned for an equal amount of labor? Explain the terms "quarter" "half" and "whole" hands. What privileges were allowed the negroes on Mr. X's plantation? What were their hours of work? Their rations? What success did he have in securing mechanical work from slaves? Describe the organization of the hands on the last plantation described? How many prime hands were there? How long were the negroes worked? What

precautions were taken to see that they were quiet in their cabins? What was the weekly allowance of food?

## XXXVIII

### CONGRESSIONAL LEGISLATION ON SLAVERY

In the selections here given we have a number of successive steps in Congressional legislation concerning slavery. The first act, the Missouri Compromise, lasted for a generation, 1820-1854, and was based on the supposition that Congress could exclude slavery from the Territories; the last act, the Kansas-Nebraska Act, 1854, provided for the repeal of the central provision of the Missouri Compromise. The report of the Committee of Thirteen contains the essential proposals which entered into the Compromise of 1850.

#### A

#### THE MISSOURI COMPROMISE

*An Act to authorize the people of the Missouri Territory to form a Constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain Territories.*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the inhabitants of that portion of the Missouri Territory included within the boundaries hereinafter designated, be, and they are hereby, authorized to form for themselves a constitution and State government, and to assume such name as they shall deem proper; and the said State, when formed, shall be admitted into the Union, upon an equal footing with the original States, in all respects whatsoever.

Sec. 2. *And be it further enacted,* That the said State shall consist of all the territory included within the following boundaries, to wit: Beginning in the middle of the

Mississippi River, on the parallel of thirty-six degrees of north latitude; thence west, along that parallel of latitude, to the St. Francois River; thence up, and following the course of that river, in the middle of the main channel thereof, to the parallel of latitude of thirty-six degrees and thirty minutes; thence west, along the same, to a point where the said parallel is intersected by a meridian line passing through the middle of the mouth of the Kansas River, where the same empties into the Missouri River; thence, from the point aforesaid north, along the said meridian line, to the intersection of the parallel of latitude which passes through the rapids of the River Des Moines, making the said line to correspond with the Indian boundary line; thence east, from the point of intersection last aforesaid, along the said parallel of latitude, to the middle of the channel of the main fork of the said River Des Moines; thence down and along the middle of the main channel of the said River Des Moines, to the mouth of the same, where it empties into the Mississippi River; thence, due east, to the middle of the main channel of the Mississippi River; thence down, and following the course of the Mississippi River, in the middle of the main channel thereof, to the place of beginning.<sup>1</sup> . . .

Sec. 8. *And be it further enacted*, That in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, not included within the limits of the State, contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted, shall be, and is hereby, forever prohibited: *Provided always*,

<sup>1</sup> Notice the boundary of the State of Missouri at the time the State was admitted (*See map, page 272, McLaughlin, A History of the American Nation.*) Compare with its boundary to-day. The additional strip was added in 1837. Was this a violation of the Missouri Compromise?



That any person escaping into the same, from whom labor or service is lawfully claimed, in any State or Territory of the United States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid.

APPROVED, March 6, 1820.

*U. S. Statutes at Large*, Vol. III, pp. 545, 548.

B

EXTRACT FROM THE REPORT OF THE COMMITTEE  
OF THIRTEEN

May 8, 1850

. . . The views and recommendations contained in this report may be recapitulated in a few words:

1. The admission of any new State or States formed out of Texas to be postponed until they shall hereafter present themselves to be received into the Union, when it will be the duty of Congress fairly and faithfully to execute the compact with Texas by admitting such new State or States;

2. The admission forthwith of California into the Union, with the boundaries which she has proposed;<sup>2</sup>

3. The establishment of territorial governments, without the Wilmot proviso, for New Mexico and Utah, embracing all the territory recently acquired by the United States from Mexico not contained in the boundaries of California;

4. The combination of these two last-mentioned measures in the same bill;

5. The establishment of the western and northern boundary of Texas, and the exclusion from her jurisdiction of all New Mexico, with the grant to Texas of a pecuniary

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<sup>2</sup>This would amount to the admission of California as a Free State.

equivalent; and the section for that purpose to be incorporated in the bill admitting California and establishing territorial governments for Utah and New Mexico:

6. More effectual enactments of law to secure the prompt delivery of persons bound to service or labor in one State, under the laws thereof, who escape into another State; and

7. Abstaining from abolishing slavery; but, under a heavy penalty, prohibiting the slave trade in the District of Columbia.

*Senate Report 123, 31st Congress, 1st Session, p. 11.*

## C

### *An Act to establish a Territorial Government for Utah*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all that part of the territory of the United States included within the following limits, to wit: bounded on the west by the State of California, on the north by the Territory of Oregon, and on the east by the summit of the Rocky Mountains, and on the south by the thirty-seventh parallel of north latitude, be, and the same is hereby, created into a temporary government, by the name of the Territory of Utah; and, when admitted as a State, the said Territory, or any portion of the same, shall be received into the Union, with or without slavery, as their constitution may prescribe at the time of their admission: *Provided,* That nothing in this act contained shall be construed to inhibit the government of the United States from dividing said Territory into two or more Territories, in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion of said Territory to any other State or Territory of the United States. . . .

APPROVED, September 9, 1850.

*U. S. Statutes at Large*. Vol. IX, p. 453.

## D

## TEXAS AND NEW MEXICO

*An Act proposing to the State of Texas the Establishment of her Northern and Western Boundaries, the Re-quisition by the said State of all Territory claimed by her exterior to said Boundaries, and of all her claims upon the United States, and to establish a territorial Government for New Mexico.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following propositions shall be, and the same hereby are, offered to the State of Texas, which, when agreed to by the said State, in an act passed by the general assembly, shall be binding and obligatory upon the United States, and upon the said State of Texas: Provided, The said agreement by the said general assembly shall be given on or before the first day of December, eighteen hundred and fifty:*

FIRST. The State of Texas will agree that her boundary on the north shall commence at the point at which the meridian of one hundred degrees west from Greenwich is intersected by the parallel of thirty-six degrees thirty minutes north latitude, and shall run from said point due west to the meridian of one hundred and three degrees west from Greenwich; thence her boundary shall run due south to the thirty-second degree of north latitude; thence on the said parallel of thirty-two degrees of north latitude to the Rio Bravo del Norte, and thence with the channel of said river to the Gulf of Mexico.

SECOND. The State of Texas cedes to the United States all her claim to territory exterior to the limits and boundaries which she agrees to establish by the first article of this agreement.

THIRD. The State of Texas relinquishes all claim upon the United States for liability of the debts of Texas, and for compensation or indemnity for the surrender to the United States of her ships, forts, arsenals, custom-houses, custom-house revenue, arms and munitions of war, and public buildings with their sites, which became the property of the United States at the time of the annexation.

FOURTH. The United States, in consideration of said establishment of boundaries, cession of claim to territory, and relinquishment of claims, will pay to the State of Texas the sum of ten millions of dollars in a stock bearing five per cent. interest, and redeemable at the end of fourteen years, the interest payable half-yearly at the treasury of the United States. . . .

FIFTH. [ARTICLE.] . . .

Sec. 2. *And be it further enacted*, That all that portion of the Territory of the United States bounded as follows: Beginning at a point in the Colorado River where the boundary line with the Republic of Mexico crosses the same; thence eastwardly with the said boundary line to the Rio Grande; thence following the main channel of said river to the parallel of the thirty-second degree of north latitude; thence east with said degree to its intersection with the one hundred and third degree of longitude west of Greenwich; thence north with said degree of longitude to the parallel of thirty-eighth degree of north latitude; thence west with said parallel to the summit of the Sierra Madre; thence south with the crest of said mountains to the thirty-seventh parallel of north latitude; thence west with said parallel to its intersection with the boundary line of the State of California; thence with said boundary line to the place of beginning — be, and the same is hereby, erected into a temporary government, by the name of the Territory of New Mexico: *Provided*, That nothing in this act contained shall be construed to inhibit the government of the United States from dividing said Territory into two

or more Territories, in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion thereof to any other Territory or State: *And provided, further*, That, when admitted as a State, the said Territory, or any portion of the same, shall be received into the Union, with or without slavery, as their constitution may prescribe at the time of their admission. . . .

APPROVED, September 9, 1850.

*U. S. Statutes at Large*, Vol. IX, pp. 446-447.

### E

#### *An Act to suppress the Slave Trade in the District of Columbia.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the first day of January, eighteen hundred and fifty-one, it shall not be lawful to bring into the District of Columbia any slave whatever, for the purpose of being sold, or for the purpose of being placed in depot, to be subsequently transferred to any other State or place to be sold as merchandize. And if any slave shall be brought into the said District by its owner, or by the authority or consent of its owner, contrary to the provisions of this act, such slave shall thereupon become liberated and free.

Sec. 2. *And be it further enacted*, That it shall and may be lawful for each of the corporations of the cities of Washington and Georgetown, from time to time, and as often as may be necessary, to abate, break up, and abolish any depot or place of confinement of slaves brought into the said District as merchandize, contrary to the provisions of this act, by such appropriate means as may appear to either of the said corporations expedient and proper. And

the same power is hereby vested in the Levy Court of Washington county, if any attempt shall be made, within its jurisdictional limits, to establish a depot or place of confinement for slaves brought into the said District as merchandize for sale contrary to this act.

APPROVED, September 20, 1850.

*U. S. Statutes at Large*, Vol. IX, pp. 467-8.

## F

### THE FUGITIVE SLAVE LAW

There had been an Act of Congress for the return of fugitive slaves passed in 1793. It had, however, not been very effective and a master had little chance by any ordinary legal process of recovering runaway slaves that had reached the Northern States. The Fugitive Slave Law of 1850 was one of the most outrageous acts against personal liberty that ever disgraced our statute book. It gave any unscrupulous man who could get an affidavit from a justice of the peace in his neighborhood to the effect that a certain man was his runaway slave the right to remove the man claimed from the State where he resided without giving him the opportunity of proving the falseness of the affidavit or even of being heard in his own behalf. Once he was in the State from which it was claimed that he had fled of course he might establish his claim to freedom. But the laws of Slave States made this very difficult; and a person removed from a State under the Fugitive Slave Law must do it at a distance from his friends and those who could testify in his behalf. The law put a premium on the work of the kidnaper of free men. Notice that act nowhere mentions that its operation is confined to men of color. The case suggested in the question below may seem absurd, but it might easily have taken place under the Act. The law was openly defied and resisted in the North, especially after 1854.

*An Act to amend, and supplementary to, the Act entitled "An Act respecting Fugitives from Justice, and Persons escaping from the Service of their Masters," approved*

*February twelfth, one thousand seven hundred and ninety-three.*

Sec. 6. *And be it further enacted*, That when a person held to service or labor in any State or Territory of the United States, has heretofore or shall hereafter escape into another State or Territory of the United States, the person or persons to whom such service or labor may be due, or his, her, or their agent or attorney, . . . may pursue and reclaim such fugitive person, either by procuring a warrant from some one of the courts, judges, or commissioners aforesaid, of the proper circuit, district, or county, for the apprehension of such fugitive from service or labor, or by seizing and arresting such fugitive, where the same can be done without process, and by taking, or causing such person to be taken, forthwith before such court, judge, or commissioner, whose duty it shall be to hear and determine the case of such claimant in a summary manner; and upon satisfactory proof being made, by deposition or affidavit, in writing to be taken and certified by such court, judge, or commissioner, or by other satisfactory testimony, duly taken and certified by some court, magistrate, justice of the peace, or other legal officer authorized to administer an oath and take depositions under the laws of the State or Territory from which such person owing service or labor may have escaped, with a certificate of such magistracy or other authority, as aforesaid, with the seal of the proper court or officer thereto attached, which seal shall be sufficient to establish the competency of the proof, and with proof, also by affidavit, of the identity of the person whose service or labor is claimed to be due as aforesaid, that the person so arrested does in fact owe service or labor to the person or persons claiming him or her, in the State or Territory from which such fugitive may have escaped as aforesaid, and that said person escaped, to make out and deliver to such claimant, his or her agent or attorney, a certificate setting forth the substantial facts as to the serv-

ice or labor due from such fugitive to the claimant, and of his or her escape from the State or Territory in which such service or labor was due, to the State or Territory in which he or she was arrested, with authority to such claimant, or his or her agent or attorney, to use such reasonable force and restraint as may be necessary, under the circumstances of the case, to take and remove such fugitive person back to the State or Territory whence he or she may have escaped as aforesaid. In no trial or hearing under this act shall the testimony of such alleged fugitive be admitted in evidence; and the certificates in this and the first (fourth) section mentioned, shall be conclusive of the right of the person or persons in whose favor granted, to remove such fugitive to the State or Territory from which he escaped, and shall prevent all molestation of such person or persons by any process issued by any court, judge, magistrate, or other person whomsoever.

Sec. 9. *And be it further enacted*, That, upon affidavit made by the claimant of such fugitive, his agent or attorney, after such certificate has been issued, that he has reason to apprehend that such fugitive will be rescued by force from his or their possession before he can be taken beyond the limits of the State in which the arrest is made, it shall be the duty of the officer making the arrest to retain such fugitive in his custody, and to remove him to the State whence he fled, and there to deliver him to said claimant, his agent, or attorney. And to this end, the officer aforesaid is hereby authorized and required to employ so many persons as he may deem necessary to overcome such force, and to retain them in his service so long as circumstances may require. The said officer and his assistants, while so employed, to receive the same compensation, and to be allowed the same expenses, as are now allowed by law for transportation of criminals, to be certified by the judge of the district within which the arrest is made, and paid out of the treasury of the United States.



Approved, September 18, 1855.

*U. S. Statutes at Large*, Vol. IX, pp. 493-495.

G

*An Act to Organize the Territories of Nebraska and  
Kansas.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all that part of the territory of the United States included within the following limits, except such portions thereof as are hereinafter expressly exempted from the operations of this act, to wit: beginning at a point in the Missouri River where the fortieth parallel of north latitude crosses the same; thence west on said parallel to the east boundary of the Territory of Utah, on the summit of the Rocky Mountains; thence on said summit northward to the forty-ninth parallel of north latitude; thence east on said parallel to the western boundary of the territory of Minnesota; thence southward on said boundary to the Missouri River; thence down the main channel of said river to the place of beginning, be, and the same is hereby, created into a temporary government by the name of the Territory of Nebraska; and when admitted as a State or States, the said Territory, or any portion of the same, shall be received into the Union with or without slavery, as their constitution may prescribe at the time of their admission. . . .

Sec. 14. *And be it further enacted,* . . . That the Constitution, and all laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory of Nebraska as elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March sixth, eighteen hundred and twenty, which,

being inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of eighteen hundred and fifty, commonly called the Compromise Measures, is hereby declared inoperative and void; it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States: *Provided*, That nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the act of sixth March, eighteen hundred and twenty, either protecting, establishing, prohibiting, or abolishing slavery.

Sec. 10. *And be it further enacted*, That all that part of the Territory of the United States included within the following limits, except such portions thereof as are hereinafter expressly exempted from the operations of this act, to wit, beginning at a point on the western boundary of the State of Missouri, where the thirty-seventh parallel of north latitude crosses the same; thence west on said parallel to the eastern boundary of New Mexico; thence north on said boundary to latitude thirty-eight; thence following said boundary westward to the east boundary of the Territory of Utah, on the summit of the Rocky Mountains; thence northward on said summit to the fortieth parallel of latitude; thence east on said parallel to the western boundary of the State of Missouri; thence south with the western boundary of said State to the place of beginning, be, and the same is hereby, created into a temporary government by the name of the Territory of Kansas; and when admitted as a State or States, the said Territory, or any portion of the same, shall be received into the Union with or without slavery, as their Constitution may prescribe at the time of their admission. . . .

(By a later section, the statements of Section 14 are made to cover Kansas Territory.)

APPROVED, May 30, 1854.

*U. S. Statutes at Large*, Vol. X, p. 277 ff.

#### QUESTIONS

Name the provisions of the Compromise of 1850 as the Committee of Thirteen reported it. Trace on the map the boundary of Utah Territory. Give the provisions of the agreement for the adjustment of the boundaries of Texas. Trace the boundary of Texas as adjusted on the map. Trace the boundary line of New Mexico Territory. What were the provisions regarding slavery in the Utah and New Mexico Acts? Trace the boundaries of Nebraska Territory; of Kansas Territory. Look up the law repealed in Section 14. What is it usually called? What did the Act state as its purpose with regard to the extension of slavery? In what two ways might a fugitive slave be arrested by his owner? Before what officers or courts might the claimant of a fugitive slave take a man he had arrested under the Act? How was the court to decide the case of the man so brought before it? How was proof that the person arrested was the slave of the person causing his arrest to be made? Suppose a white man, say Jefferson Davis, had proceeded under the forms of the Act, and with an affidavit in his pocket (that is with the sworn statement for which the Act provided) had gone to Massachusetts and seized a white man, say Daniel Webster, claiming that Webster had fled from slavery. What could Webster do? Could he deny that he was Davis's slave? Were Webster's friends entitled to rescue him by any lawful means or by force? If any attempt was made to rescue him, what recourse did Davis have? Now, of course, no one supposed that one white man would be seized by another; the underlying notion was that slavery was confined to black men; but as soon as we think of the Act's being applied to white men or white women, we get some idea of the oppressiveness of the Act.

PART VII  
THE EVE OF THE CIVIL WAR  
XXXIX  
CALHOUN'S LAST SPEECH

This speech was read for Calhoun in the Senate, March 4, 1850, twenty-seven days before his death. It is a cool, dispassionate analysis of the causes of the breach between North and South which men were to patch up for a few years with the Compromise of 1850. It centers around two propositions: first, that the union between the States depended on accord and harmony between their inhabitants; if this good feeling were once lost, it were vain to expect the central government to hold them together. Second, that, in light of the vital difference between the sections on the right or wrong of slavery, a strong federal government was impossible; the Union could continue to exist only if the South were satisfied that the central government did not have the power that might enable the North to use it as an instrument for the abolition of slavery. The Union was a union of sections. Each section must feel secure in the possession of its own institutions. Calhoun was attached to the Union, but he was more attached to the South; and to the South's welfare he believed slavery essential. If then the Union and slavery were both to be preserved, the Union must be reformed. Like Lincoln, Calhoun saw the contrast between slavery and free labor; Lincoln believed that the Union could not long endure half slave and half free; Calhoun believed that it could endure only under conditions that secured to each section the security and permanence of its own interests — at least that slavery must not be uncertain of its fate. The Union, therefore, must be a loose and balanced Union. Of more value than union was slavery and the rights of the South.

I have, Senators, believed from the first that the agitation of the subject of slavery would, if not prevented by some timely and effective measure, end in disunion. Entertaining this opinion, I have on all proper occasions endeavored to call the attention of both the two great parties which divide the country to adopt some measure to prevent so great a disaster, but without success. The agitation has been permitted to proceed, with almost no attempt to resist it, until it has reached a point when it can no longer be disguised or denied that the Union is in danger. You have thus had forced upon you the greatest and the gravest question that can ever come under your consideration—How can the Union be preserved? . . .

The first question, then, presented for consideration, in the investigation I propose to make, in order to obtain such knowledge, is,—What is it that has endangered the Union?

To this question there can be but one answer,—that the immediate cause is the almost universal discontent which pervades all the States composing the Southern section of the Union. This widely-extended discontent is not of recent origin. It commenced with the agitation of the slavery question, and has been increasing ever since. . . .

The question then recurs,—What is the cause of this discontent? It will be found in the belief of the people of the Southern States, as prevalent as the discontent itself, that they cannot remain as things now are, consistently with honor and safety, in the Union. The next question to be considered is,—What has caused this belief?

One of the causes is, undoubtedly, to be traced to the long continued agitation of the slave question on the part of the North, and the many aggressions which they have made on the rights of the South during the time. I will not enumerate them at present, as it will be done hereafter in its proper place.

There is another lying back of it—with which this is intimately connected—that may be regarded as the great and primary cause. This is to be found in the fact that

the equilibrium between the two sections, in the Government as it stood when the Constitution was ratified and the Government put in action, has been destroyed. At that time there was nearly a perfect equilibrium between the two, which afforded ample means to each to protect itself against the aggression of the other; but, as it now stands, one section has the exclusive power of controlling the Government, which leaves the other without any adequate means of protecting itself against its encroachment and oppression. . . .

According to the apportionment under the census of 1840, there were two hundred and twenty-three members of the House of Representatives, of which the Northern States had one hundred and thirty-five and the Southern States (considering Delaware as neutral) eighty-seven, making a difference in favor of the former in the House of Representatives of forty-eight. The difference in the Senate of two members added to this, gives to the North in the electoral college, a majority of fifty. Since the census of 1840, four States have been added to the Union—Iowa, Wisconsin, Florida and Texas. They leave the difference in the Senate as it stood when the census was taken; but add two to the side of the North in the House, making the present majority in the House in its favor fifty, and in the electoral college fifty-two.

The result of the whole is to give the Northern section a predominance in every department of the Government, and thereby concentrate in it the two elements which constitute the Federal Government,—majority of States, and a majority of their population, estimated in federal numbers. Whatever section concentrates the two in itself possesses the control of the entire Government.

But we are just at the close of the sixth decade and the commencement of the seventh. The census is to be taken this year, which must add greatly to the decided preponderance of the North in the House of Representatives and in the electoral college. The prospect is, also, that a great

increase will be added to its present preponderance in the Senate, during the period of the decade by the addition of new States. . . . The prospect then is, that the two sections in the Senate, should the efforts now made to exclude the South from the newly acquired territories succeed, will stand, before the end of the decade, twenty Northern States to fourteen Southern (considering Delaware as neutral), and forty Northern Senators to twenty-eight Southern. This great increase of Senators, added to the great increase of members of the House of Representatives and the electoral college on the part of the North, which must take place under the next decade, will effectually and irretrievably destroy the equilibrium which existed when the Government commenced.

Had this destruction been the operation of time, without the interference of Government, the South would have had no reason to complain; but such was not the fact. It was caused by the legislation of this Government, which was appointed, as the common agent of all, and charged with the protection of the interests and security of all. The legislation by which it has been effected may be classed under three heads. The first is, that series of acts by which the South has been excluded from the common territory belonging to all the States as members of the Federal Union — which have had the effect of extending vastly the portion allotted to the Northern section, and restricting within narrow limits the portion left the South. The next consists in adopting a system of revenue and disbursements, by which an undue proportion of the burden of taxation has been imposed upon the South, and an undue proportion of its proceeds appropriated to the North; and the last is a system of political measures by which the original character of the Government has been radically changed. . . .

The first of the series of acts by which the South was deprived of its due share of the territories, originated with the confederacy which preceded the existence of this Gov-

ernment. It is to be found in the provision of the Ordinance of 1787. Its effect was to exclude the South entirely from that vast and fertile region which lies between the Ohio and the Mississippi rivers, now embracing five States and one Territory. The next of the series is the Missouri Compromise which excluded the South from the large portion of Louisiana which lies north of  $36^{\circ} 30'$ , excepting what is included in the State of Missouri. The last of the series excluded the South from the whole of the Oregon Territory. . . .

To sum up the whole, the United States since they declared their independence, have acquired 2,373,046 square miles of territory, from which the North will have excluded the South, if she should succeed in monopolizing the newly acquired territories, about three-fourths of the whole, leaving to the South but about one-fourth. . . .

But while these measures [the tariff acts] were destroying the equilibrium between the two sections, the action of the Government was leading to a radical change in its character, by concentrating all the power of the system in itself. . . . That the Government claims, and practically maintains the right to decide in the last resort, as to the extent of its powers, will scarcely be denied by anyone conversant with the political history of the country. That it also claims the right to resort to force to maintain whatever power it claims, against all opposition, is equally certain. Indeed it is apparent from what we daily hear that this has become the prevailing and fixed opinion of a great majority of the community. Now, I ask, what limitation can possibly be placed upon the powers of a government claiming and exercising such rights? And if none can be, how can the separate governments of the States maintain and protect the powers reserved to them by the Constitution—or the people of the several States maintain those which are reserved to them, and among others, the sovereign powers by which they ordained and established not only their separate State Constitutions and Governments.



but also the Constitution and Government of the United States? . . . It also follows, that the character of the Government has been changed in consequence from a federal republic as it originally came from the hands of its framers, into a great national, consolidated democracy. It has indeed, at present, all the characteristics of the latter, and not one of the former, although it still retains its outward form.

The result of the whole of these causes combined is — that the North has acquired a decided ascendancy over every department of this Government, and through it a control over all the powers of the system. . . .

As, then, the North has the absolute control over the Government, it is manifest, that on all questions between it and the South, where there is a diversity of interests, the interest of the latter will be sacrificed to the former, however oppressive the effects may be; as the South possesses no means by which it can resist, through the action of the Government. . . . There is a question of vital importance to the Southern section, in reference to which the views and feelings of the two sections are as opposite and hostile as they can possibly be.

I refer to the relation between the two races in the Southern section, which constitutes a vital portion of her social organization. Every portion of the North entertains views and feelings more or less hostile to it. Those most opposed and hostile regard it as a sin, and consider themselves under the most sacred obligation to use every effort to destroy it. . . . On the contrary the Southern section regards the relation as one that cannot be destroyed without subjecting the two races to the greatest calamity, and the section to poverty, desolation, and wretchedness; and accordingly they feel bound, by every consideration of interest and safety, to defend it.

This hostile feeling on the part of the North towards the social organization of the South long lay dormant, but it only required some cause to act on those who felt most in-

tensely that they were responsible for its continuance to call it into action. . . .

Such is a brief history of the agitation as far as it has yet advanced. Now I ask, Senators, what is there to prevent its further progress, until it fulfills the ultimate end proposed, unless some decisive measure should be adopted to prevent it? Has anyone of the causes, which has added to its increase from its original small and contemptible beginning until it has attained its present magnitude, diminished in force? Is the original cause of the movement—that slavery is a sin and ought to be suppressed—weaker now than at the commencement? Or is the abolition party less numerous or influential, or have they less influence with or control over the two great parties of the North in elections? Or has the South greater means of influencing or controlling the movements of this Government now than it had when the agitation commenced? To all these questions but one answer can be given: No—no—no. The very reverse is true. Instead of being weaker, all the elements in favor of agitation are stronger now than they were in 1835, when it first commenced, while all of the elements of influence on the part of the South are weaker. Unless something decisive is done, I again ask, what is to stop this agitation, before the great and final object at which it aims—the abolition of slavery in the States—is consummated? Is it, then, not certain, that if something is not done to arrest it, the South will be forced to choose between abolition and secession? Indeed, as events are now moving, it will not require the South to secede in order to dissolve the Union. Agitation will of itself effect it or which its past history furnishes abundant proof—as I shall next proceed to show.

It is a great mistake to suppose that disunion can be effected by a single blow. The cords which bound these States together in one common union are far too numerous and powerful for that. Disunion must be the work of time. It is only through a long process, and successively,

that the cords can be snapped, until the whole fabric falls asunder. Already the agitation of the slavery question has snapped some of the most important, and has greatly weakened all the others, as I shall proceed to show.

The cords that bind the States together are not only many, but various in character. Some are spiritual or ecclesiastical; some political; others social. Some appertain to the benefit conferred by the Union, and others to the feeling of duty and obligation.

The strongest of those of a spiritual and ecclesiastical nature consisted in the unity of the great religious denominations, all of which originally embraced the whole Union. All these denominations, with the exception, perhaps, of the Catholics, were organized very much upon the principle of our political institutions. Beginning with smaller meetings, corresponding with the political divisions of the country, their organization terminated in one great central assemblage, corresponding very much with the character of Congress. At these meetings the principal clergymen and lay-members of the respective denominations, from all parts of the Union, met to transact business relating to their common concerns. It was not confined to whatever appertained to the doctrines and discipline of the respective denominations, but extended to plans for disseminating the Bible—establishing missions, distributing tracts—and of establishing presses for the publication of tracts, newspapers and periodicals, with a view of diffusing religious information—and for the support of their respective doctrines and creeds. All this combined contributed greatly to strengthen the bonds of the Union. The ties which held each denomination together formed a strong cord to hold the whole Union together; but, powerful as they were, they have not been able to resist the explosive effect of slavery agitation.

The first of these cords which snapped, under its explosive force, was that of the powerful Methodist Episcopal Church. The numerous and strong ties which held

it together, are all broken, and its unity gone. They now form separate churches; and, instead of that feeling of attachment and devotion to the interests of the whole church which was formerly felt, they are now arrayed into two hostile bodies, engaged in litigation about what was formerly their common property.

The next cord that snapped was that of the Baptists — one of the largest and most respectable of the denominations. That of the Presbyterian is not entirely snapped, but some of its strands have given way. That of the Episcopal Church is the only one of the four great Protestant denominations which remains unbroken and entire.

The strongest cord, of a political character, consists of the many and powerful ties that have held together the two great parties which have, with some modifications, existed from the beginning of the Government. They both extended to every portion of the Union, and strongly contributed to hold all its parts together. But this powerful cord has fared not better than the spiritual. It resisted for a long time the explosive tendency of the agitation, but has finally snapped under its force—if not entirely, in a great measure. Nor is there one of the remaining cords which has not been greatly weakened. To this extent the Union has already been destroyed by agitation, in the only way it can be, by sundering and weakening the cords which bind it together.

If the agitation goes on, the same force, acting with increased intensity, as has been shown, will finally snap every cord, when nothing will be left to hold the States together except force. But, surely, that can, with no propriety of language, be called a Union, when the only means by which the weaker is held connected with the stronger portion is *force*. It may, indeed, keep them connected; but the connection will partake much more of the character of subjugation on the part of the weaker to the stronger, than the union of free, independent, and sovereign States, in one confederation, as they stood in the early stages of the

Government, and which only is worthy of the sacred name of Union.

Having now, Senators, explained what it is that endangers the Union, and traced it to its cause, and explained its nature and character, the question again recurs — How can the Union be saved? To this I answer, there is but one way by which it can be — and that is — by adopting such measures as will satisfy the States belonging to the Southern section, that they can remain in the Union consistently with their honor and their safety. There is again, only one way by which this can be effected, and that is — by removing the causes by which this belief has been produced. Do *this*, and discontent will cease — harmony and kind feelings between the sections be restored — and every apprehension of danger to the Union be removed. The question, then, is — How can this be done? But before I undertake to answer this question, I propose to show by what the Union cannot be saved.

It cannot, then, be saved by the eulogies on the Union, however splendid or numerous. The cry of "Union, Union — the glorious Union!" can no more prevent disunion, than the cry of "Health, health — glorious health!" on the part of the physician, can save a patient lying dangerously ill. So long as the Union, instead of being regarded as a protector, is regarded in the opposite character, by not much less than a majority of the States, it will be in vain to attempt to conciliate them by pronouncing eulogies upon it. . . .

Nor can the Union be saved by invoking the name of the illustrious Southerner whose mortal remains repose on the western bank of the Potomac. He was one of us — a slaveholder and a planter. We have studied his history and find nothing in it to justify submission to wrong. On the contrary, his great fame rests on the solid foundation, that, while he was careful to avoid doing wrong to others, he was prompt and decided in repelling wrong. I trust that, in this respect, we profited by his example.

Nor can we find anything in his history to deter us from seceding from the Union, should it fail to fulfill the objects for which it was instituted, by being permanently and hopelessly converted into the means of oppressing instead of protecting us. On the contrary, we find much in his example to encourage us, should we be forced to the extremity of deciding between submission and disunion.

There existed then, as well as now, a union — that between the parent country and her then colonies. It was a union that had much to endear it to the people of the colonies. Under its protecting and superintending care, the colonies were planted and grew up and prospered, through a long course of years, until they became populous and wealthy. Its benefits were not limited to them. Their extensive agricultural and other productions, gave birth to a flourishing commerce, which richly rewarded the parent country for the trouble and expense of establishing and protecting them. Washington was born and grew up to manhood under that union. He acquired his early distinction in its service, and there is every reason to believe that he was devotedly attached to it. But his devotion was a rational one. He was attached to it, not as an end, but as a means to an end. When it failed to fulfill its end, and, instead of affording protection, was converted into the means of oppressing the colonies, he did not hesitate to draw his sword, and head the great movement by which that union was forever severed, and the independence of these States established. This was the great and crowning glory of his life, which has spread his fame over the whole globe, and will transmit it to the latest posterity. . . .

Having now shown what cannot save the Union, I return to the question with which I commenced — How can the Union be saved? There is but one way by which it can with any certainty; and that is by a full and final settlement, on the principle of justice, of all the questions at issue between the two sections. The South asks for justice, simple justice, and less she ought not to take. She has no

compromise to offer, but the Constitution; and no concession or surrender to make. She has already surrendered so much that she has little left to surrender. Such a settlement would go to the root of the evil, and remove all cause of discontent, by satisfying the South, she could remain honorably and safely in the Union, and thereby restore the harmony and fraternal feelings between the sections, which existed anterior to the Missouri agitation. Nothing else can, with any certainty, finally and forever settle the questions at issue, terminate agitation, and save the Union.

But can this be done? Yes, easily; not by the weaker party, for it can of itself do nothing—not even protect itself—but by the stronger. The North has only to will it to accomplish it—to do justice by conceding to the South an equal right in the acquired territory, and to do her duty, by causing the stipulations relative to fugitive slaves to be faithfully fulfilled—to cease the agitation of the slave question, and to provide for the insertion of a provision in the Constitution, by an amendment, which will restore to the South, in substance, the power she possessed of protecting herself before the equilibrium of the sections was destroyed by the action of this Government. There will be no difficulty in devising such a provision—one that will protect the South, and which, at the same time, will improve and strengthen the Government, instead of impairing and weakening it.

*Works of Calhoun*, Vol. IV, pp. 542-573. D. Appleton and Co., New York, 1854.

#### QUESTIONS

What two reasons did Calhoun assign for the Southern discontent that endangered the Union. Illustrate the way in which the North had come to overbalance the South in the Union. To what causes did Calhoun consider this due? Trace the steps by which Calhoun claimed that the South had been excluded from her fair share of the Territories. What change did Calhoun consider had occurred in the nature of the government of the United States? What danger

did this and the Northern predominance in the government threaten to the South? What specific aggression did the spread of abolition sentiment lead the South to apprehend? In what sense would agitation of itself dissolve the Union? How had the discords of the great churches and political parties foreshadowed the dissolution of the Union? What justification for Southern resistance could Calhoun draw from the career of Washington? What did he consider would save the Union?

## XL

### THE NORTHWEST FORMS A NEW PARTY

The repeal of the Missouri Compromise was the signal for the coalescence into a new party of elements opposed to the extension of slavery. The movement for the new party and the elements that found their way into it are here told.

The repeal of the Missouri Compromise came like a whirlwind upon the people of the North. At a time when the Federal Government was giving itself up to the demands of slavery, the sentiment of liberty was growing. The Democratic party had surrendered to the South, but it was called to reckon with true democracy at the North. Many who had not been aroused hitherto now shouted for the sacredness of the bargain of 1820. The awaited shock had come. Indignant Democrats who had voted for Pierce in 1852, thinking that the last word had been said for slavery, joined with Whigs who were half gleeful that their boastful old-time enemies had not found such easy sailing, and half angry that the compromise of their own chieftain had been abandoned. Crystallization into a new party came at once. Emigrant aid societies and private benevolence armed the sturdy New Englander and hurried him off to the new Territory to hold the doubtful ground for liberty with the rifle. Earnest men in all the North, startled by seeing the last barrier broken, demanded an end of irresolution and trifling. The Whigs and Democrats who were provoked to opposition wasted too much time and



thought on "breach of faith," and lamented with overmuch sorrow the destruction of a geographical line, which had been for many years the bane of our politics. Such persons, however, were soon found hand in glove with the Free-Soilers, who saw in the obnoxious measure only an instance of the perfidy of slavery and the folly of compromises and bargains with sin.

The Republican party was born in the Northwest. It breathed its early life in that virile region which had never felt the enervating influence of colonialism, in a section which was now filled with the power of a highly developed and organized society, and yet had not lost the zeal, vitality, and energy of a primitive and newly settled country. Men of the young West easily free themselves from associations of party and leave the shallow ruts of custom. They do not know the burdening weight of tradition and inheritance, and they readily think for themselves and act as they think. The pioneer who has wrought his own work and fought his own fight has no respect for prescription, and bases superiority on skill and endurance. Yet side by side with this marked individualism and independence, there is a generous altruism and a comprehension of society. Lessons are learned from Nature. Her breadth and liberality do not teach the settler selfishness. He may lose opportunities for refinement and culture, but his views are not limited to a narrow horizon. These characteristics display themselves variously; there is a deep, broad, and fervent love of country, an admiration of her greatness and an appreciation of her manifest destiny. Geography teaches patriotism. "Vast prairies covered by the unbroken dome of the sky, and navigable rivers all converging to a common trunk, perpetually suggest to him Unionism." He is proud of the mightiness of the Republic. Without acute susceptibility to criticism, he delights in praise of the grandeur and glory of his country. "The true American is found in the Great Valley." Naturally, therefore, in 1854, old party trammels were soonest cast

aside by the people of the Northwest. They most readily bent to the task of forming a party upon the cornerstone of unionism and freedom, a party opposed to state sovereignty and to a sectional constitutional interpretation which would shield wrong. They gave their strength to the party which advocated nationalism. From 1854 until the close of the Civil War, the upper part of the Great Valley was the center of loyalty and Republicanism. Here was the early home of the new union-anti-slavery party, and it has never wandered far from its birthplace; every one of its successful candidates for the presidency has come from the old Northwest, and all its nominees, save one, have been Western men.

In addition to this natural tendency, there were two other reasons for the appearance of the Republican party in the West before the East was ready to break old party lines. The South long counted on the influence of commercial conservatism in the North, and it cannot be denied that this operated much more strongly in the mercantile centers of the East than in the farming West, which had few commercial relations with the cotton States. The second reason was an equally potent one. The Northwest was honeycombed by the underground railroad. The fugitives from service found their way to Canada by the shortest road, and the slave chase awakened Northwestern resentment.

Upon the passage of the Nebraska bill there came a demand for a new party. Men who had never voted a Free-Soil ticket now avowed their willingness to support any candidate on a sound anti-slavery platform. The East, with its usual conservatism, hesitated to break old ties and to launch a new party without prestige and traditions. Possibly the very first active suggestion of the new party came from the little town of Ripon, Wisconsin. There, in February, 1854, while the obnoxious act was under discussion in Congress, a local meeting was held, and the principles for the coming emergency were considered. On

March 20, in a town meeting, the committees of the Whig and Free-Soil parties were dissolved and a new committee was chosen, composed of three Whigs, one Free-Soiler, and one Democrat. Thus in miniature were the dissolution of the old and the formation of the new faithfully typified. The "solitary tallow candle" and the "little white schoolhouse" have become immortal in our history. In May, immediately after the passage of the Kansas-Nebraska bill, some thirty congressmen at Washington met and considered the formation of the "Republican" party.

By that time the name was in the air. It was a question as to where and by whom it should be adopted. Horace Greeley, who had fought so valiantly against slavery, was getting disheartened. "I faintly hope the time has come predicted by Dan Webster when he said: 'I think there will be a North.'" The veterans of the East listened to calls from the excited Northwest. Editors "can direct and animate a healthy public indignation, but not create a soul beneath the ribs of Death." Greeley wrote to Jacob M. Howard of Michigan, that Wisconsin on July 13 would adopt the name Republican, and he advised Michigan to anticipate such action in the convention summoned for the 6th. But no such advice was needed; the work of arousing interest in such a plan was already begun, and to Michigan belongs the honor of really conceiving and christening the Republican party. The *Detroit Tribune*, June 2, formulated its proposition frankly: "Our proposition is that a convention be called, irrespective of party organization, for the purpose of agreeing upon some plan of action that shall combine the whole anti-slavery sentiment of the State upon one ticket." The "call" published in that paper, said to be the work of Isaac P. Christiancy, began with the words, "A great wrong has been perpetrated." It invited all, "without reference to former political associations, who think the time has arrived for Union at the North to protect liberty from being overthrown and downtrodden, to assemble in

mass convention, Thursday, the sixth of July next, at one o'clock, at Jackson, there to take such measures as shall be thought best to concentrate the popular sentiment of this State against the encroachments of the slave power."

On that date, July 6, 1854, the Whigs and Free-Soilers, or the "Free Democracy" of Michigan, met and formed a single party. The name Republican was adopted. A powerful platform, attributed to Jacob M. Howard, was accepted as the basis of the new party. It resolved "That in view of the necessity of battling for the first principles of republican government and against the schemes of aristocracy, the most revolting and oppressive with which the world was ever cursed or man debased, we will coöperate and be known as Republicans until the contest be terminated." The strength of the new party was at once great. Wisconsin took the same position the next week. In the East the Whigs, as a rule, maintained their organization. The Northwest was on its feet and equipped for battle.

The result of the elections showed the strength of protest against the violation of the compromise. The Northwest vigorously supported the new party. Michigan elected the whole state ticket, and three out of four congressmen. Cass seemed ill requited for his services to the old party, but a comparison of the figures will prove that, though his influence had waned, it was still of weight. Two of the three congressmen elected in Wisconsin were Republicans. In Illinois, the Nebraska and Douglas Democrats were 18,000 behind in the vote of the State, although two years before Pierce had had a clear majority of more than 5,000 over Scott and Hale, the last having received less than 10,000 votes. Even in Indiana the Republicans had a majority of some 14,000. Ohio, of course, came prominently forward. The old Western Reserve district cast two Republican votes for every one cast for Nebraska and "squatter sovereignty." Maine was the only one of

the Eastern States that adopted for the campaign the new name or elected a Republican ticket.

The different elements in Northwestern life once more gave evidence of the power of inherited ideas and prejudices. The Southern element, as if in obedience to the famous words of King James's charter, 1609, advanced into the country on a line running "west and northwest,"—its presence is evident in the southern counties of Indiana,—and running northward penetrated as far north as the center of Illinois. In the northern tier of counties, which were settled from New York and New England, the Republican vote was 8,372, and the Nebraska vote 2,776; in the ninth district, in the southern point, 2,911 votes were cast for the Republican candidate, and 8,498 for the Democratic. Possibly the most characteristic and startling exception, which proved the rule, was the vote of Madison County, the former home of Edward Coles, who moved from Virginia to Illinois to free his slaves, and left the impress of his character on the surrounding country. Madison County cast 2,220 Republican ballots, and but 393 "for Nebraska."

The great danger to the Republican party seemed to be the American party,—a *sub rosa* organization, which attempted to substitute another question, and to excite the people by holding up the specter of Rome and the tyranny of Catholicism. The party was not built on the broad foundation of the necessity of preserving a pure ballot and free government by maintaining sound American doctrine and insisting upon good American intelligence as a basis for suffrage. Its platform was not so much its oft-repeated "America for Americans" as it was America for Protestants, and anything to avoid a decision on the real problems of the day. Its secret organization was at once an insult to the people and the assurance of its failure. No "order" having a hierarchy and degrees, and encumbering a political topic with paraphernalia and mystic symbolism, can rise to dignity in a free country and dominate

a frank and thoughtful people, the very essence of whose institutions is common participation, common undertaking, and common judgment. So great, however, was the desire of men in those harrowing days to avoid responsibility that this organization assumed alarming proportions and threatened the success of the party which faced present realities. It served a purpose quite different from the one hoped for or contemplated. Whigs and Democrats too obstinate or proud to transfer their allegiance at once to the Republicans took this secret passage, and finally emerged thence into good standing with the anti-slavery party, without the shame of having changed their coats in broad daylight.

This organization appeared in 1852. At first it simply interrogated candidates, but in 1854 it masqueraded as a political party, and for a few years played its rôle not without some success. In some of the Eastern States, especially, it held its head high; and in the Border States it lingered long, until Western Republicanism with its sense of present duty, sincerity, and actuality shamed it out of sight. The real name adopted by these whispering politicians was as silly as their purpose. "The Sons of '76, or the Order of the Star-Spangled Banner," was the title used in its inner mysterious circles. The sobriquet, "Know-Nothing," arose from the answers of its members, who uniformly replied, "I don't know," to all inquiries as to the name and purpose of the organization; only those who had taken the higher degrees knew its more serious intents or how ambitiously it had been christened. No party can hope to succeed in the United States which has but one aim, and that, too, not a political one. The success of the Republican party has often been cited to disprove such a statement and to furnish inspiration for new movements. The historic analogy is deceptive. The Republican party, although inspired with a truly moral purpose, was a political party, with a well-known and well-defined policy in affairs of state, and not simply a com-

bination of enthusiasts burning with zeal for the realization of a single idea. The Know-Nothing party had no political virility. "It would seem," sneered Greeley, "as devoid of the elements of persistence as an anti-cholera or an anti-potato-rot party would be. . . ."

The campaign of 1856 followed close upon these exciting events. The Democratic National Convention met in Cincinnati in June. Buchanan had the lead from the start, and was nominated. In answer to a letter signed by Andrew F. Webster and others in November of 1855, Cass said that he did not desire to have his name used in the convention; but some of the delegates insisted on voting for him. He received only five votes on the first ballot, and at no time showed great strength, though retaining a few faithful adherents to the end. John C. Breckinridge of Kentucky was nominated as vice-president. The convention adopted a platform on the old lines, repudiating "all sectional parties . . . whose avowed purpose, if consummated, must end in civil war and disunion." "Non-interference" was once more proclaimed the sovereign remedy. The American party put Fillmore in nomination, and he attracted the few Whigs who still answered to the name. The Republicans, holding their first national convention at Philadelphia, selected as their candidates John C. Frémont of California and William L. Dayton of New Jersey. The platform was definite and decided. It recounted the crimes against Kansas, and advocated its immediate admission as a State under a free constitution; it denied "the authority of Congress, of a territorial legislature, of any individual or association of individuals, to give legal existence to slavery in any Territory of the United States," and proclaimed its belief that Congress had "*sovereign* power over the Territories of the United States." The issue between the two great parties was sharply drawn. One announced that Congress had authority over the Territories, and was in duty bound to exercise it for the prevention of slavery. The other advocated the uniform

application of the "democratic principle" of non-interference in "the organization of the Territories and the admission of new States."

The campaign was one of the most serious, earnest, and enthusiastic in our history. Frémont, because of his romantic career and personal charms, was easily converted into an ideal champion, strongly appealing to the imagination and the affection of the vigorous young party of freedom. Everywhere in the North went up the rallying cry, "Free soil, free speech, free men, and Frémont." The times were not yet ripe for complete success. The Democratic party gained the day, carrying every Southern State save Maryland, which gave itself up to Know-Nothingism. But such a victory was the victory of Pyrrhus. The Republicans cast more votes in the Free States than did the Democrats. In the East only Pennsylvania and New Jersey, in the West only Illinois, Indiana and California, cast their electoral votes for the Democratic candidate. In the first of these alone, Buchanan's own State, did the Democrats outnumber the Republicans and Know-Nothings combined. The "sectional party" exhibited a wonderful vigor. The threat was often heard in the campaign that its success meant the separation of the Union. From the time of this election that was a standing menace.

A. C. McLaughlin: *Lewis Cass in the American Statesmen Series*, Vol. XXIV, pp. 300-323. Houghton Mifflin Co., 1899.

#### QUESTIONS

How did the repeal of the Missouri Compromise reopen the question of the extension of slavery? Explain why it drove many of the Democrats and Whigs, who had considered the Compromise of 1850 as final, into a new party. Describe the meeting at Ripon, Wisconsin, March 20, to illustrate this point. The organization of the Republican party in Michigan. Explain the statement that the new party was the party of nationalism and freedom. Why did it appeal to the men of the Northwest especially? Why did the East hang back in the formation of the new party? How was the name Republican adopted? Show how the vote in the election of



1854 illustrated the mixture of Northern and Southern elements in the population of Indiana and Illinois. What were the principles of the Know Nothing party? How did its organization differ from that of other political parties? Explain why the secret element in its organization insured its ultimate failure? How did its existence seem for a time to endanger the development of the Republican party? Explain how it became a halfway house for those transferring from the Whig and Democratic parties to the Republicans. What was the platform of the Republican party in 1856? Who were its candidates? Since this book was written, an eastern man, Roosevelt, was nominated and elected by the Republicans (1904).

## XLI

### “A HOUSE DIVIDED AGAINST ITSELF CANNOT STAND”

This speech was delivered by Abraham Lincoln at Springfield, Illinois, June 16, 1858, at the close of the Republican State Convention which had endorsed Lincoln as the party candidate for United States Senator. The speech strikes the keynote of Lincoln's senatorial campaign.

The charge that the Kansas-Nebraska Act was part of a deliberate conspiracy to turn the territories over to slavery was advanced generally by the Republicans; for instance, Seward claimed that the Supreme Court had been packed by the pro-slavery party to secure proslavery decisions similar to the Dred Scott decision. Such a conspiracy is improbable. It is, however, conceded by most historians that Chief Justice Taney in his opinion decided in favor of slavery points of law which were not directly brought up by the case, and which, accordingly, he should not have touched on.

*Mr. President and Gentlemen of the Convention:* If we could first know where we are and whither we are tending, we could better judge what to do and how to do it. We are now far into the fifth year since a policy was initiated with the avowed object and confident promise of putting an end to slavery agitation. Under the operation of that policy, that agitation has not only not ceased,

but has constantly augmented. In my opinion, it will not cease until a crisis shall have been reached and passed. "A house divided against itself cannot stand." I believe this government cannot endure permanently half slave and half free. I do not expect the Union to be dissolved; I do not expect the house to fall—but I do expect it will cease to be divided. It will become all one thing, or all the other. Either the opponents of slavery will arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction; or its advocates will push it forward till it shall become alike lawful in all the States, old as well as new, North as well as South.

Have we no tendency to the latter condition?

Let anyone who doubts carefully contemplate that now almost complete legal combination—piece of machinery, so to speak—compounded of the Nebraska doctrine and the Dred Scott decision. Let him consider not only what work the machinery is adapted to do, and how well adapted; but also let him study the history of its construction, and trace, if he can, or rather fail, if he can, to trace the evidences of design and concert of action among its chief architects, from the beginning.

The new year of 1854 found slavery excluded from more than half the States by State constitutions, and from most of the national territory by congressional prohibition. Four days later commenced the struggle which ended in repealing that congressional prohibition. This opened all the national territory to slavery, and was the first point gained.

But, so far, Congress only had acted; and an indorsement by the people, real or apparent, was indispensable to save the point already gained and give chance for more.

This necessity had not been overlooked, but had been provided for, as well as might be, in the notable argument of "squatter sovereignty," otherwise called "sacred right of self-government," which latter phrase, though express-

ive of the only rightful basis of any government, was so perverted in this attempted use of it as to amount to just this: That if any one man choose to enslave another, no third man shall be allowed to object. That argument was incorporated into the Nebraska bill itself, in the language which follows: "It being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom; but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States." Then opened the roar of loose declamation in favor of "squatter sovereignty" and "sacred right of self-government." "But," said opposition members, "let us amend the bill so as to expressly declare that the people of the Territory may exclude slavery." "Not we," said the friends of the measure; and down they voted the amendment.

While the Nebraska bill was passing through Congress, a law case involving the question of a negro's freedom, by reason of his owner having voluntarily taken him first into a free State and then into a Territory covered by the congressional prohibition, and held him as a slave for a long time in each, was passing through the United States Circuit Court for the District of Missouri; and both Nebraska bill and lawsuit were brought to a decision in the same month of May, 1854. The negro's name was Dred Scott, which name now designates the decision finally made in the case. Before the then next presidential election, the law case came to and was argued in the Supreme Court of the United States; but the decision of it was deferred until after the election. Still, before the election, Senator Trumbull, on the floor of the Senate, requested the leading advocate of the Nebraska bill to state his opinion whether the people of a Territory can constitutionally exclude slavery from their limits; and the latter answered: "That is a question for the Supreme Court."

The election came. Mr. Buchanan was elected, and the

indorsement, such as it was, secured. That was the second point gained. The indorsement, however, fell short of a clear popular majority by nearly four hundred thousand votes, and so, perhaps, was not overwhelmingly reliable and satisfactory. The outgoing President, in his last annual message, as impressively as possible echoed back upon the people the weight and authority of the indorsement. The Supreme Court met again; did not announce their decision, but ordered a reargument. The presidential inauguration came, and still no decision of the court; but the incoming President in his inaugural address fervently exhorted the people to abide by the forthcoming decision, whatever it might be. Then, in a few days, came the decision.

The reputed author of the Nebraska bill finds an early occasion to make a speech at this capital indorsing the Dred Scott decision, and vehemently denouncing all opposition to it. The new President, too, seizes the early occasion of the Silliman letter to indorse and strongly construe that decision, and to express his astonishment that any different view had ever been entertained!

At length a squabble springs up between the President and the author of the Nebraska bill on the mere question of fact, whether the Lecompton constitution was or was not, in any just sense, made by the people of Kansas; and in that quarrel the latter declares that all he wants is a fair vote for the people, and that he cares not whether slavery be voted down or voted up. I do not understand his declaration that he cares not whether slavery be voted down or voted up to be intended by him other than as an apt definition of the policy he would impress upon the public mind—the principle for which he declares he has suffered so much, and is ready to suffer to the end. And well may he cling to that principle. If he has any parental feeling, well may he cling to it. That principle is the only shred left of his original Nebraska doctrine. Under the Dred Scott decision “squatter sovereignty” squatted out of existence, tumbled down like temporary scaffolding,—like

the mold at the foundry, served through one blast and fell back into loose sand,—helped to carry an election, and then was kicked to the winds. His late joint struggle with the Republicans against the Lecompton constitution involves nothing of the original Nebraska doctrine. That struggle was made on a point—the right of a people to make their own constitution—upon which he and the Republicans have never differed.

The several points of the Dred Scott decision, in connection with Senator Douglas's "care not" policy, constitute the piece of machinery in its present state of advancement. This was the third point gained. The working points of that machinery are:

(1) That no negro slave, imported as such from Africa, and no descendant of such slave, can ever be a citizen of any State, in the sense of that term as used in the Constitution of the United States. This point is made in order to deprive the negro in every possible event of the benefit of that provision of the United States Constitution which declares that "the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States."

(2) That, "subject to the Constitution of the United States," neither Congress nor a territorial legislature can exclude slavery from any United States Territory. This point is made in order that individual men may fill up the Territories with slaves, without danger of losing them as property, and thus enhance the chances of permanency to the institution through all the future.

(3) That whether the holding a negro in actual slavery in a free State makes him free as against the holder, the United States courts will not decide, but will leave to be decided by the courts of any slave State the negro may be forced into by the master. This point is made not to be pressed immediately, but, if acquiesced in for a while, and apparently indorsed by the people at an election, then to sustain the logical conclusion that what Dred Scott's mas-

ter might lawfully do with Dred Scott in the free State of Illinois, every other master may lawfully do with any other one or one thousand slaves in Illinois or in any other free State.

*Political Debates Between Hon. Abraham Lincoln and Hon. Stephen A. Douglas*, pp. 1 ff. Columbus, Ohio, 1860.

### QUESTIONS

What did Lincoln believe would be the result of the struggle between those who sought to extend slavery in the United States and those who sought to limit it? What was the status in the nation of freedom and slavery January 1, 1854? How was it changed by the Kansas-Nebraska Act and its doctrine of popular sovereignty? How, according to Lincoln, did the advocates of that measure refuse to allow a distinct statement of the rights of the people of a Territory to exclude slavery? Who did they think should decide whether the people of a Territory had that right? How did the Supreme Court decide that point? (*See Dred Scott Case.*) What effect did the decision have on popular sovereignty according to Lincoln? State exactly the first point of the Dred Scott decision as it is given in the text. Would the statement bar from State citizenship an African who had come to the United States as a free man, or his descendants? What did Lincoln say was the purpose of the decision on this point? What is the second point of the Dred Scott decision? How would this affect the constitutionality of the Missouri Compromise? State the third point of the decision, as Lincoln here asserted it to be.

## XLII

### SLAVERY AS A MORAL ISSUE

This speech was delivered by Lincoln at the end of the debate with Douglas, at Alton, Illinois, October 15, 1858. It is easily the finest thing of permanent interest in the debates; a masterly presentation of the position of the Republican party on the slavery issue and a fine statement of the simple morals of the whole question. Lincoln protests against the use of the slavery issue for mere political purposes and insists that slavery must be regarded as in itself a wrong which must sometime be done away with. At the same time he protests against disre-

gard of the rights that slaveholders could lawfully claim under the Constitution.

Now, irrespective of the moral aspect of this question as to whether there is a right or wrong in enslaving a negro, I am still in favor of our new Territories being in such a condition that white men may find a home—may find some spot where they can better their condition—where they can settle upon new soil, and better their condition in life. . . . I am in favor of this not merely (I must say it here as I have elsewhere) for our own people who are born amongst us, but as an outlet for *free white people everywhere*, the world over—in which Hans, and Baptiste, and Patrick, and all other men from all the world, may find new homes and better their condition in life. . . .

I have stated upon former occasions, and I may as well state again, what I understand to be the real issue of this controversy between Judge Douglas and myself. On the point of my wanting to make war between the Free and the Slave States, there has been no issue between us. So, too, when he assumes that I am in favor of introducing a perfect social and political equality between the white and black races. These are false issues, upon which Judge Douglas has tried to force the controversy. There is no foundation in truth for the charge that I maintain either of these propositions. The real issue in this controversy—the one pressing upon every mind—is the sentiment on the part of one class that looks upon the institution of slavery as a wrong, and of another class that does not look upon it as a wrong. The sentiment that contemplates the institution of slavery in this country as a wrong is the sentiment of the Republican party. It is the sentiment around which all their actions, all their arguments, circle; from which all their propositions radiate. They look upon it as being a moral, social, and political wrong; and while they contemplate it as such, they nevertheless have due regard for its actual existence among us, and the difficulties of

getting rid of it in any satisfactory way, and to all the constitutional obligations thrown about it. Yet having a due regard for these, they desire a policy in regard to it that looks to its not creating any more danger. They insist that it should, as far as may be, *be treated* as a wrong; and one of the methods of treating it as a wrong is to *make provision that it shall grow no larger*. . . . They also desire a policy that looks to a peaceful end of slavery at some time, as being a wrong. These are the views they entertain in regard to it, as I understand them; and all their sentiments, all their arguments and propositions, are brought within this range. I have said, and I repeat it here, that if there be a man amongst us who does not think that the institution of slavery is wrong in any one of the aspects of which I have spoken, he is misplaced, and ought not to be with us. And if there be a man amongst us who is so impatient of it as a wrong as to disregard its actual presence among us and the difficulty of getting rid of it suddenly in a satisfactory way, and to disregard the constitutional obligations thrown about it, that man is misplaced if he is on our platform. We disclaim sympathy with him in practical action. He is not placed properly with us.

On this subject of treating it as a wrong, and limiting its spread, let me say a word. Has anything ever threatened the existence of this Union save and except this very institution of slavery? What is it that we hold most dear amongst us? Our own liberty and prosperity. What has ever threatened our liberty and prosperity save and except this institution of slavery? If this is true, how do you propose to improve the condition of things by enlarging slavery — by spreading it out and making it bigger? You can have a wen or cancer upon your person, and not be able to cut it out lest you bleed to death; but surely it is no way to cure it, to engraft it and spread it over your whole body. That is no proper way of treating what you regard as a wrong. You see this peaceful way of dealing with it as a wrong — restricting the spread of it, and not



allowing it to go into new countries where it has not already existed. That is the peaceful way, the old-fashioned way, the way in which the fathers themselves set us the example.

On the other hand, I have said there is a sentiment which treats it as *not* being wrong. That is the Democratic sentiment of this day. I do not mean to say that every man who stands within that range positively asserts that it is right. That class will include all who positively assert that it is right, and all who, like Judge Douglas, treat it as indifferent, and do not say it is either right or wrong. These two classes of men fall within the general class of those who do not look upon it as a wrong. And if there be among you anybody who supposes that he, as a Democrat, can consider himself "as much opposed to slavery as anybody," I would like to reason with him. You never treat it as a wrong. What other thing that you consider as a wrong, do you deal with as you deal with that? Perhaps, you *say* it is a wrong, *but your leader never does, and you quarrel with anybody who says it is wrong.* Although you pretend to say so yourself, you can find no fit place to deal with it as a wrong. You must not say anything about it in the Free States, *because it is not here.* You must not say anything about it in the Slave States, *because it is there.* You must not say anything about it in the pulpit, because that is religion, and has nothing to do with it. You must not say anything about it in politics, *because that will disturb the security of "my place."* . . . There is no place to talk about it as being a wrong, although you say yourself it is wrong. . . .

The Democratic policy in regard to that institution will not tolerate the merest breath, the slightest hint, of the least degree of wrong about it.

Try it by some of Judge Douglas's arguments. He says he "don't care whether it is voted up or voted down" in the Territories. I do not care myself, in dealing with

that expression, whether it is intended to be expressive of his individual sentiments on the subject, or only of the national policy he desires to have established. It is alike valuable for my purpose. Any man can say that, who does not see anything wrong in slavery; but no man can logically say it who does see a wrong in it, because no man can logically say he don't care whether a wrong is voted up or voted down. He may say he don't care whether an indifferent thing is voted up or down, but he must logically have a choice between a right thing and a wrong thing. He contends that whatever community wants slaves has a right to have them. So they have, if it is not a wrong. But if it is a wrong, he cannot say people have a right to do wrong. He says that upon the score of equality, slaves should be allowed to go into a new Territory, like other property. This is strictly logical if there is no difference between it and other property. If it and other property are equal, his argument is entirely logical. But if you insist that one is wrong and the other right, there is no use to institute a comparison between right and wrong. You may turn over everything in the Democratic policy from beginning to end, whether in the shape it takes on the statute book, in the shape it takes in the Dred Scott decision, in the shape it takes in conversation, or the shape it takes in short maxim-like arguments—it everywhere carefully excludes the idea that there is anything wrong in it.

That is the real issue. That is the issue that will continue in this country when these poor tongues of Judge Douglas and myself shall be silent. It is the eternal struggle between these two principles—right and wrong—throughout the world. They are the two principles that have stood face to face from the beginning of time, and will ever continue to struggle. The one is the common right of humanity, and the other the “divine right of kings.” It is the same principle in whatever shape it develops itself. It is the same spirit that says, “You work

and toil and earn bread, and I'll eat it." No matter in what shape it comes, whether from the mouth of a king who seeks to bestride the people of his own nation and live by the fruit of their labor, or from one race of men as an apology for enslaving another race, it is the same tyrannical principle.

I was glad to express my gratitude at Quincy, and I re-express it here to Judge Douglas — *that he looks to no end of the institution of slavery*. That will help the people to see where the struggle really is. It will hereafter place with us all men who really do wish the wrong may have an end. And whenever we can get rid of the fog which obscures the real question, when we can get Judge Douglas and his friends to avow a policy looking to its perpetuation, we can get out from among them that class of men and bring them to the side of those who treat it as a wrong. Then there will soon be an end of it, and that end will be its "ultimate extinction." Whenever the issue can be distinctly made, and all extraneous matter thrown out, so that men can fairly see the real difference between the parties, this controversy will soon be settled, and it will be done peacefully too. There will be no war, no violence. It will be placed again where the wisest and best men of the world placed it. Brooks of South Carolina once declared that when this Constitution was framed, its framers did not look to the institution existing until this day. When he said this, I think he stated a fact that is fully borne out by the history of the times. But he also said that they were better and wiser men than the men of these days; yet the men of these days had experience which they had not, and by the invention of the cotton-gin it became a necessity in this country that slavery should be perpetual. I now say that, willingly or unwillingly, purposely or without purpose, Judge Douglas has been the most prominent instrument in changing the position of the institution of slavery — which the fathers of the government expected to come to an end ere this,— and *putting it upon*

*Brooks' cottin-gin basis*;—placing it where he openly confesses he has no desire there shall ever be an end to it.

*The Lincoln Douglas Debates of 1858*, pp. 481-486, Vol. III, of the *Collections of the Illinois State Historical Library*, Edwin E. Sparks, Editor. Springfield, Illinois, 1908.

#### QUESTIONS

What did Lincoln say was the real point at issue between him and Douglas in regard to slavery? Judging from Douglas's statement that he did "not care whether slavery was voted up or down" did he think that the slavery issue was one of right and wrong or one of political expediency? Why did Lincoln think that it was the policy of the Democratic party not to regard slavery as right or wrong? Did he think there was any place in the Democratic party for men who thought slavery wrong? What did Lincoln say the policy of the Republican party was with regard to: (a) the extension of slavery? (b) the immediate abolition of slavery without regard to constitutional limitations? Where did he think this policy had originated in American history?

### XLIII

#### ABRAHAM LINCOLN

This sketch of Lincoln was written by a foreigner, one who had studied American history profoundly and realized the greatness as well as the rugged simplicity in the man of whom he wrote. It shows how the qualities of Lincoln, great human qualities, appealed to one writing in another land and seeking to find the essential things in our history.

#### A

#### LINCOLN'S CHARACTER

He was born in a slave state, and grew up in a free state in the poverty and privation of pioneer life. What he was indebted to the school master for would not have

fitted him to fill the place of a teacher of an elementary class. But while his muscles were gaining extraordinary power behind the plow and in the steady use of the ax and spade, he laid, in his leisure hours, by unwearied industry and earnest, intellectual and moral labor, the broad and deep foundation of his future historical greatness. Yet he would himself certainly have made merriest over it, if he had heard it prophesied, during these years, that he was to be called upon to play a part of any importance in the destinies of his country, to say nothing of a part of such importance that not only his grateful countrymen, but the judgment of history, would assign him a place immediately after, if not equal to, Washington's. It even seems as if, at this time, he had not the smallest spark of ambition, in the ordinary sense of the word. Neither can it be said that it in any way led him to the situations in which fate placed him. He was only conscious that the lot which had fallen to him at birth, from fortune's wheel, was almost a blank; but he recognized, at the same time, that a persevering will was sufficient to enable him, with the development of this gigantic new world, to grow into a position in life which might never perhaps be brilliant, but which would improve rapidly and steadily. This gift which is laid in the cradle of every American he was resolved to turn to account, for he was certain that he possessed the power to will calmly and soberly. He seemed not to have yet formed any idea as to the special manner in which he would become the architect of his own fortune. Until the time had come when he could use his own judgment in choosing between the opportunities life might afford him, he was satisfied with the consideration that knowledge and intellectual ability are a power in every calling. In his reading, he was spared the trouble of a choice. He had to take what chance threw in his way; and, although he did so, the number of books he could procure was very small. But he not only read them, but studied them in such a way that he mastered them com-

pletely and for all time. He dwelt on every new conception and every half-understood idea with imperturbable perseverance, until he grasped it with such clearness that he could give it a form in which it became intelligible to minds much less well-trained than his own. The intellectual discipline he thereby acquired was worth more than the biggest bag of knowledge he could have carried away from the desk of a school. But this quiet, unwearied struggle, without extraneous help, without the incentive of a direct, practical object, which, notwithstanding he engaged in with all his strength, was, besides, a moral act; and all the more so because it had not its origin in an ardent, innate thirst for knowledge. Without being indolent, Lincoln was not one of those to whom labor, whether intellectual or physical, is a pleasure. And if, notwithstanding this, he not only worked as much as, and at what, he was obliged to, he did so partly because labor was the only means of success in life, but partly also because he had so lively a sentiment of the moral importance of labor in general that he could not do otherwise than prosecute the intellectual labor to which he had once subjected himself, with the deep, sacrificing earnestness which is the precondition of that sentiment being developed to a clear understanding. Equipped with few requirements, but with a confidence in his intellectual strength, which, with all his modesty, was as strong as that in his muscular power, because like the latter its capacity had been tested long enough, he left the paternal roof and launched his ship on the broad stream of American life.

The old figure may be taken here in its literal sense, for the real beginning of Lincoln's career was as a boatsman on a trip on the Mississippi to New Orleans. After some time he repeated the journey in the same capacity. The scenes of slave-life which he saw in New Orleans made a deep impression on him. It is not at all improbable that, as it is related he said himself, they decided his position on the slavery question. But we must not suppose that

the impressions made on him by slavery were so overwhelming that they naturally ripened into a resolution to seek his real task in life in combating the "peculiar institution." He had not the temperament to become a fanatic, nor was his religious feeling of such intensity as to prompt the thought—and especially at so young an age—of his devoting his life to the service of a definite, ethical idea. He was not only a genuine, matter-of-fact American, but all his thoughts and feelings were still too directly and too completely under the influence of rough, backwoods life, for the sufferings of the slaves to throw him into sentimental paroxysms of marked violence. But the kind-natured eyes of a child in the surprisingly homely face of the uncouth giant told of a warm heart, to which the weak and the unfortunate could always confidently appeal, while a bright mind looked out from them; one which, under the guidance of such a heart, must have already learned too well how to distinguish between right and wrong, to pass such a wrong unmoved. . . . But we are undoubtedly warranted in assuming that the deepening of his thought on slavery did not begin until many years later, for we see it then keep pace exactly with the development of the struggle of parties about it; and it remained characteristic of him to the last, and was of immense importance during the Civil War, that he never, or in any particular, went in advance of the time. Besides, he was still not only intellectually too immature, but he had not the leisure necessary to occupy himself tenaciously, profoundly, and earnestly with problems of such magnitude. If his thought, will and action had not had, for a long time more, the one aim to becoming something himself, he would scarcely ever have been able to co-operate in any important way, in the solution of the slavery question.

He had tried many things before he was admitted to the bar in Illinois. He had been a clerk in a store, a shop-keeper and surveyor—first as an assistant to the same John Calhoun who was afterwards to achieve such sad

celebrity as president of the Lecompton convention. As a merchant he gave proof of no great capacity, and as a surveyor he merely discharged his duties with satisfaction, but did not, like so many adepts in that art, lay the foundation of a fortune of his own by speculation in land. By his political activity he began slowly to climb round after round of fortune's ladder. There were at this time no real professional politicians in the young state, and he certainly was not one. But, considering his interest in all public affairs, it was natural that he should take an active part in the agitation preceding elections. His gift of oratory, materially helped by the great personal affection felt for him, and emphasized by his powerful gestures, soon brought him a local reputation. The success he met with in this field gave him an increased liking for it, and finally decided his choice of a profession. In the younger states politician and lawyer were coincident ideas much more than in the older states. As a minimum of legal knowledge sufficed for admission to the bar, it was almost a matter of course that the young, struggling politician who had to make a living should become a lawyer. When he thundered his monologues from the stump, or paraded his readiness and his wit in general conversation at the street corners, before the court-house or about the glowing stove of the tavern, he acquired a clientele for himself who were ready to place their cases before judges and juries in his hands, and, on the other hand, the court-room was the high training-school for the stump and the tribune. In these growing commonwealths, lawyers and politicians could make their way without going to great expense for printer's ink and lamp oil. Success depended here, incomparably less than under more developed and more stable circumstances, on knowledge; and one attained it most easily and most certainly by continually mingling with the people in their daily life and avocations.

In the younger states it is seen, more clearly than anywhere else, that in the United States the sole source of all



power is the people; and the people stand most readily and firmly by those in whose leadership the pulse-beat of their own thought, feeling and will is felt most powerfully. But this does not imply that the masses begin to turn away from a leader when he goes beyond a certain line close to their own intellectual and moral level. So long as they feel that he has not become alienated from them at heart, they grow prouder of him the higher he towers above all; for his greatness raises themselves in their own eyes. Hence, notwithstanding the brilliant success which may be achieved in the United States with the aid of the arts of the demagogue, the politician, even there, builds most securely, who does not descend to the level of the masses, but who endeavors, in his own efforts towards a lofty goal, to lift them up with him by pure means. If Lincoln wished to do this, he had to begin to give his intellectual ability a much greater breadth and much greater depth than it had hitherto had, by earnest labor. This he did by honest industry. His legal book-knowledge, indeed, never exceeded rather narrow limits; but, by the study of the cases confided to him, he trained his power of logical thinking so thoroughly that, notwithstanding, he gradually became a lawyer of great distinction. He learned quickly and surely to discover the decisive points, and acquired such skill in the art he had practiced early, of clothing his thoughts in the simplest and clearest form, that competent judges said that his statement of a case was so convincing that argument was scarcely necessary in order to pronounce a correct judgment. Greater praise could hardly have been bestowed upon him, for this meant that the lawyer needed only always to serve his client in such a way as to remain, at all times, an honest servant of the law and of justice.

This high moral earnestness became more and more characteristic of his professional activity as his intellectual development advanced, and it entered also into his political life in ever-increasing measure. By his efficiency in the

legislature (1834-1842), he worked himself into so distinguished a position in the party that he — the only Whig in Illinois<sup>1</sup> — was elected by a great majority to the Thirtieth Congress (1847-1849), although the opposing candidate was the popular preacher, Cartwright. According to the customs of the party at the time, in Illinois, a re-election was absolutely excluded, and on that account alone the part he played on this, his first appearance on the national stage, had to be a modest one. Notwithstanding this, he had the courage to take the initiative in a step in the slavery question which might have had far-reaching consequences if it had been crowned with success. And it seemed for a moment that this was not impossible; for his propositions were not only unquestionably capable of being carried out, but were so evidently drawn up in the spirit of a really "honest broker" that the representatives of the two opposing camps, who first obtained information of it, considered it acceptable. The bill introduced by him on the 16th of January, 1849, for the gradual abolition of slavery in the District of Columbia, met with the approval of the mayor of Washington as well as of Giddings.<sup>2</sup> As it not only assured full compensation to the owners of the slaves, but provided that the law should not go into force until after it had been established by a vote that the population of the District was in favor of it, it must seem at the first glance less surprising that Colonel Seaton agreed to it than that Giddings did. Since Lincoln, as appears from Seaton's questions, did not wish merely to make a demonstration, but actually hoped for success, his bill really only proved how deeply sunk in optimistic illusion he still was as to the nature of the struggle. Had not even the most moderate representatives of the south for years declared the abolition of slavery in the District, without the consent of Maryland and Virginia, a breach of good faith? Did

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<sup>1</sup> Meaning the only Whig elected to Congress from Illinois

<sup>2</sup> Joshua R. Giddings, an anti-slavery man, Representative from Ohio in Congress.

not the slavocrats know how greatly all their successes hitherto had been facilitated by the fact that the federal capital was situated in the domain of slavery, or had they lost all sense of the importance of moral defeats? Was it not a presupposition of every project of emancipation that slavery was an evil? And how far were the great majority of slaveholders still from admitting this in words! The bill was an invitation to the District to give its consent to a terrible blow at the interests of the slavocracy, and wanted to pay for it out of the federal treasury; that is, in part with the money of the south. It must, therefore, have been unacceptable to the representatives of the south in proportion as it offered more to the people of the District, and especially to the slaveholders in it.

The struggles of the next six years made Lincoln understand that his bill was a chase, and why it was a chase, after an intangible shadow. In the remarkable letter of August 15, 1855, to which reference was made above, he says: The hope of a peaceful extinction of slavery is a delusion, because the south will not give it up. The fact that this was the attitude of the south towards the question had long been well known to the whole people. The point of significance was that Lincoln had the courage of the truth to admit to himself that from that fact it followed directly that the peaceful extinction of slavery was impossible. While Seward, three years later, in his Rochester speech,<sup>3</sup> still endeavored to deceive himself and the people on this subject, Lincoln even now declared the irrepressibleness of the conflict in words from which it was clearly evident what would be the final issue. "Our

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<sup>3</sup> Seward, Senator from New York and, later, Secretary of State in Lincoln's Cabinet, declared in a speech in Rochester, in 1858, referring to the struggle between slavery and freedom: "It is an irrepressible conflict between opposing and enduring forces, and it means that the United States must and will, sooner or later, become either entirely a slave-holding nation or entirely a free-labor nation."

political problem is, 'Can we, as a nation, continue together *permanently forever*—half slaves and half free?' " <sup>4</sup> that is: Is the permanent preservation of the Union, under the present constitution, possible?

But what was gained by the fact that Lincoln saw farther than Seward, if his two concluding sentences, "The problem is too mighty for me. May God in His mercy superintend the solution," were intended to announce that he was resigned to let the inevitable take its course? The most important thing was not whether what was right was recognized, but whether it was done. Even some months before Seward had cast the fire-brand term "irrepressible conflict" among the people, Lincoln had proven that in this respect he would be a much more reliable leader of the Republicans than many of the most notable men in the party, who were not very far from believing that its whole political judgment and conscience were personified in themselves, and who saw this bold assumption generally recognized by a large circle of the people.

H. von Holst: *Constitutional and Political History of the United States*, Vol. VI, pp. 269-278. Callaghan and Co., Chicago, 1889.

#### QUESTIONS

Describe Lincoln's early life and his struggle to get knowledge. What is said of the moral character of the struggle for knowledge? Where and how did he first get his impression of the wrongfulness of slavery? Did these impressions reach maturity in conviction at once? Give the connection between law and politics in the new country. What is said of the source of all power in the United States? How can one obtain real leadership? What of Lincoln's success at the bar? When was he in Congress? What measure of significance did he propose there? Did he come to realize that the conflict between slavery and freedom was irrepressible?

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<sup>4</sup> Lincoln, in a speech delivered in Springfield, Illinois, June 17, 1858, declared that he did not believe that the nation could permanently endure half slave and half free. See in this book Selection No. 41. This was four months before Seward's "Irrepressible Conflict" speech.

What, do you think, if you judge from this extract, was the source of Lincoln's power and greatness?

## B

## LINCOLN'S FIRST INAUGURAL ADDRESS

## FELLOW-CITIZENS OF THE UNITED STATES:

In compliance with a custom as old as the Government itself, I appear before you to address you briefly, and to take, in your presence, the oath prescribed by the Constitution of the United States to be taken by the President before he enters on the execution of his office.

I do not consider it necessary, at present, for me to discuss those matters of administration about which there is no special anxiety or excitement. Apprehension seems to exist among the people of the southern States, that, by the accession of a Republican Administration, their property and their peace and personal security are to be endangered. There has never been any reasonable cause for such apprehension. Indeed the most ample evidence to the contrary has all the while existed, and been open to their inspection. It is found in nearly all the published speeches of him who now addresses you. I do but quote from one of those speeches, when I declare that "I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists." I believe I have no lawful right to do so; and I have no inclination to do so. Those who nominated and elected me, did so with the full knowledge that I had made this and many similar declarations, and had never recanted them. . . .

A disruption of the Federal Union, heretofore only menaced, is now formidably attempted. I hold that in the contemplation of universal law and of the Constitution, the Union of these States is perpetual. Perpetuity is implied, if not expressed, in the fundamental law of all national governments. It is safe to assert that no government proper ever had a provision in its organic law for its own

termination. Continue to execute all the express provisions of our national Constitution, and the Union will endure forever, it being impossible to destroy it except by some action not provided for in the instrument itself. \*

Again, if the United States be not a government proper, but an association of States in the nature of a contract merely, can it, as a contract, be peaceably unmade by less than all the parties who made it? One party to a contract may violate it—break it, so to speak; but does it not require all to lawfully rescind it? Descending from these general principles we find the proposition that in legal contemplation the Union is perpetual, confirmed by the history of the Union itself.

The Union is much older than the Constitution. It was formed, in fact, by the Articles of Association in 1774. It was matured and continued in the Declaration of Independence in 1776. It was further matured, and the faith of all the then thirteen States expressly plighted and engaged that it should be perpetual, by the Articles of Confederation, in 1778; and finally, in 1787, one of the declared objects for ordaining and establishing the Constitution was to form a more perfect Union. But if the destruction of the Union by one or by a part only of the States be lawfully possible, the Union is less than before, the Constitution having lost the vital element of perpetuity.

It follows from these views that no State, upon its own mere motion, can lawfully get out of the Union; that resolves and ordinances to that effect, are legally void; and that acts of violence within any State or States against the authority of the United States, are insurrectionary or revolutionary, according to circumstances.

I therefore consider that, in view of the Constitution and the laws, the Union is unbroken, and, to the extent of my ability, I shall take care, as the Constitution itself expressly enjoins upon me, that the laws of the Union shall be faithfully executed in all the States. Doing this, which

I deem to be only a simple duty on my part, I shall perfectly perform it, so far as is practicable, unless my rightful masters, the American people, shall withhold the requisition, or in some authoritative manner direct the contrary.

I trust this will not be regarded as a menace, but only as the declared purpose of the Union that it will constitutionally defend and maintain itself.

In doing this there need be no bloodshed or violence, and there shall be none unless it is forced upon the national authority.

The power confided to me will be used to hold, occupy, and possess the property and places belonging to the Government, and collect the duties and imposts; but beyond what may be necessary for these objects there will be no invasion, no using of force against or among the people anywhere.

Where hostility to the United States shall be so great and so universal as to prevent competent resident citizens from holding the Federal offices, there will be no attempt to force obnoxious strangers among the people that object. While the strict legal right may exist of the Government to enforce the exercise of these offices, the attempt to do so would be so irritating, and so nearly impracticable withal, that I deem it better to forego for the time the uses of such offices.

The mails, unless repelled, will continue to be furnished in all parts of the Union.

So far as possible, the people everywhere shall have that sense of perfect security which is most favorable to calm thought and reflection.

The course here indicated will be followed, unless current events and experience shall show a modification or change to be proper; and in every case and exigency my best discretion will be exercised according to the circumstances actually existing, and with a view and hope of a peaceful solution of the national troubles, and the

restoration of fraternal sympathies and affections. . . .

. . . All the vital rights of minorities and of individuals are so plainly assured to them by affirmations and negations, guaranties and prohibitions in the Constitution, that controversies never arise concerning them. But no organic law can ever be framed with a provision specifically applicable to every question which may occur in practical administration. . . . From questions of this class, spring all our constitutional controversies, and we divide upon them into majorities and minorities.

If the minority will not acquiesce, the majority must, or the Government must cease. There is no alternative for continuing the Government but acquiescence on the one side or the other. If a minority in such a case, will secede rather than acquiesce, they make a precedent which in turn will ruin and divide them, for a minority of their own will secede from them whenever a majority refuses to be controlled by such a minority. For instance, why not any portion of a new confederacy, a year or two hence, arbitrarily secede again, precisely as portions of the present Union now claim to secede from it? All who cherish disunion sentiments are now being educated to the exact temper of doing this. Is there such perfect identity of interests among the States to compose a new Union as to produce harmony only, and prevent renewed secession? Plainly, the central idea of secession is the essence of anarchy.

A majority held in restraint by constitutional check and limitation, and always changing easily with deliberate changes of popular opinions and sentiments, is the only true sovereign of a free people. Whoever rejects it, does, of necessity, fly to anarchy or to despotism. Unanimity is impossible; the rule of a majority, as a permanent arrangement, is wholly inadmissible. So that, rejecting the majority principle, anarchy or despotism in some form is all that is left. . . .

Physically speaking, we cannot separate—we cannot



remove our respective sections from each other, nor build an impassable wall between them. A husband and wife may be divorced, and go out of the presence and beyond the reach of each other, but the different parts of our country cannot do this. They cannot but remain face to face; and intercourse, either amicable or hostile, must continue between them. Is it possible, then, to make that intercourse more advantageous or more satisfactory after separation than before? Can aliens make treaties easier than friends can make laws? Can treaties be more faithfully enforced between aliens than laws can among friends? Suppose you go to war, you cannot fight always; and when, after much loss on both sides and no gain on either, you cease fighting, the identical questions as to terms of intercourse are again upon you.

This country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing government, they can exercise their constitutional right of amending, or their revolutionary right to dismember or overthrow it. . . .

The chief magistrate derives all his authority from the people, and they have conferred none upon him to fix the terms for the separation of the States. The people themselves, also can do this if they choose, but the Executive, as such, has nothing to do with it. His duty is to administer the present Government as it came to his hands, and to transmit it unimpaired by him to his successor. Why should there not be a patient confidence in the ultimate justice of the people? Is there any better or equal hope in the world? In our present differences is either party without faith of being in the right? If the Almighty Ruler of nations, with his eternal truth and justice, be on your side of the North, or on yours of the South, that truth and that justice will surely prevail by the judgment of this great tribunal, the American people. By the frame of the Government under which we live, this same people have wisely given their public servants but little power for mis-

chief, and have with equal wisdom provided for the return of that little to their own hands at very short intervals. While the people retain their virtue and vigilance, no administration, by any extreme wickedness or folly, can very seriously injure the Government in the short space of four years. . . .

In your hands, my dissatisfied fellow-countrymen, and not in mine, is the momentous issue of civil war. The Government will not assail you.

You can have no conflict without being yourselves the aggressors. You have no oath registered in Heaven to destroy the Government; while I shall have the most solemn one to "preserve, protect, and defend" it.

I am loath to close. We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break our bonds of affection.

The mystic cords of memory, stretching from every battle-field and patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of our nature.

Frank Moore: *Rebellion Record*, Vol. I, *Documents*, pp. 36-39. New York, 1867.

#### QUESTIONS

Was Lincoln willing to submit to any further extension of slavery in the Territories? What did Lincoln announce as his policy toward slavery? Did Lincoln think that secession was a right reserved for the States in the Constitution? Give the arguments that Lincoln advanced for the perpetuity of the Union? Admitting the Southern view that the Constitution was an agreement between independent States, how did Lincoln answer the argument drawn from it in justification of the right of secession? Explain the statement that the Union is older than the Constitution. What did Lincoln say would be his policy toward the States that claimed to have seceded? What was to be his policy with respect to United States forts in States that had seceded? What with respect to the mails and the collection of the customs? Did he intend to appoint

Northerners to office in seceded States if he could not get citizens of those States to accept office from the United States? How would his statement on this matter detract from the force of his former statements regarding his duty to enforce the law in the seceded territory? Did he reserve the right to depart from this policy? Under what conditions? Admitting the right and expediency of secession, did he think that there could be any permanent cohesion between the seceded States? How did he consider secession a departure from the principle of majority rule? What physical reasons rendered vain the hope of securing peaceful relations between the two sections if one of them seceded?

## XLIV

### JEFFERSON DAVIS'S INAUGURAL

Jefferson Davis of Mississippi was chosen President of the Confederate States. This inaugural address, delivered, February 18, 1861, is an excellent presentation of the position of the South, its sentiment toward the Union, and the reasons or the justification for secession.

. . . Our present condition, achieved in a manner unprecedented in the history of nations, illustrates the American idea that governments rest upon the consent of the governed, and that it is the right of the people to alter and abolish governments whenever they become destructive to the ends for which they were established. The declared compact of the Union from which we have withdrawn was to establish justice, ensure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity; and when in the judgment of the sovereign States now composing this confederacy, it has been perverted from the purposes for which it was ordained, and ceased to answer the ends for which it was established, a peaceful appeal to the ballot-box declared that, so far as they were concerned, the government created by that compact should cease to exist. In this they merely asserted the right which

the Declaration of Independence of 1776 defined to be inalienable. Of the time and occasion of its exercise they as sovereigns were the final judges, each for itself. The impartial, enlightened verdict of mankind will vindicate the rectitude of our conduct; and He who knows the hearts of men will judge of the sincerity with which we labored to preserve the government of our fathers in its spirit. . . .

An agricultural people, whose chief interest is the export of a commodity required in every manufacturing country, our true policy is peace, and the freest trade which our necessities will permit. It is alike our interest and that of all those to whom we would sell and from whom we would buy, that there should be the fewest practicable restrictions upon the interchange of commodities. There can be but little rivalry between ours and any manufacturing or navigating community, such as the northeastern States of the American Union. It must follow, therefore, that mutual interest would invite good will and kind offices. If, however, passion or lust of dominion should cloud the judgment or flame the ambition of those States, we must prepare to meet the emergency and maintain by the final arbitrament of the sword the position which we have assumed among the nations of the earth.

We have entered upon a career of independence, and it must be inflexibly pursued through many years of controversy with our late associates of the Northern States. We have vainly endeavored to secure tranquillity and obtain respect for the rights to which we were entitled. As a necessity, not a choice, we have resorted to the remedy of separation, and henceforth our energies must be directed to the conduct of our own affairs, and the perpetuity of the confederacy which we have formed. . . .

As a consequence of our new condition, and with a view to meet anticipated wants, it will be necessary to provide a speedy and efficient organization of the branches of the Executive department having special charge of foreign intercourse, finance, military affairs, and postal service.

For purposes of defense the Confederate States may, under ordinary circumstances, rely mainly upon their militia; but it is deemed advisable, in the present condition of affairs, that there should be a well instructed, disciplined army, more numerous than would usually be required on a peace establishment. I also suggest that, for the protection of our harbors and commerce on the high seas, a navy adapted to those objects will be required. These necessities have, doubtless, engaged the attention of Congress.

Frank Moore: *Rebellion Record*, Vol. I, *Documents*, pp. 31, 32.

#### QUESTIONS

How did Jefferson Davis use the example of the American Revolution as a justification of the secession of the Southern States? What relations did Davis think the Confederate States might enjoy with the North? Did he seem to think that the South might have the alternative of returning to the Union at a later time?

## PART VIII

### THE CIVIL WAR

#### XLV

#### THE EMANCIPATION PROCLAMATION

Gideon Welles was Secretary of the Navy in Lincoln's Cabinet. The diary he kept of his political life in Washington has lately been published. The following extract from it describes the Cabinet meeting at which the Emancipation Proclamation was approved.

*September 22.* A special Cabinet-meeting. The subject was the Proclamation for emancipating the slaves after a certain date, in States that shall then be in rebellion. For several weeks the subject has been suspended, but the President says never lost sight of. When it was submitted, and now in taking up the Proclamation, the President stated that the question was finally decided, the act and the consequences were his, but that he felt it due to us to make us acquainted with the fact and to invite criticism on the paper which he had prepared. There were, he had found, not unexpectedly, some differences in the Cabinet, but he had, after ascertaining in his own way the views of each and all, individually and collectively, formed his own conclusions and made his own decisions. In the course of the discussion on this paper, which was long, earnest, and on the general principle involved, harmonious, he remarked that he had made a vow, a covenant, that if God gave us the victory in the approaching battle, he would consider it an indication of Divine will, and that it was his duty to move forward in the cause of emancipation. It might be

thought strange, he said, that he had in this way submitted the disposal of matters when the way was not clear to his mind what he should do. God had decided this question in favor of the slaves. He was satisfied it was right, was confirmed and strengthened in his action by the vow and the results. His mind was fixed, his decision made, but he wished his paper announcing his course as correct in terms as it could be made without any change in his determination. He read the document. One or two unimportant amendments suggested by Seward were approved. It was then handed to the Secretary of State to publish to-morrow. . . .

The question of power, authority, in the Government to set free the slaves was not much discussed at this meeting, but had been canvassed by the President in private conversation with the members individually. Some thought legislation advisable before the step was taken, but Congress was clothed with no authority on this subject, nor is the Executive, except under the war power,—military necessity, martial law, when there can be no legislation. . . . It is momentous both in its immediate and remote results, and an exercise of extraordinary power which cannot be justified on mere humanitarian principles, and would never have been attempted but to preserve the national existence. The slaves must be with us or against us in the War. Let us have them. These were my convictions and this the drift of the discussion.

*Diary of Gideon Welles*, Vol. I, pp. 142, 143. Houghton Mifflin Co., Boston, 1911.

#### QUESTIONS

What power vested in the president of the United States enabled Lincoln to issue the Emancipation Proclamation? Why could not Congress act? Was the sense of the wrongfulness of slavery the decisive reason for the issuance of the Proclamation? If so, was that the ostensible or, so to speak, the legal reason?

## XLVI

## THE SOUTHERN ARMY

A Virginian here shows us how the aristocratic formation of Southern society, which slavery had perpetuated, transferred itself to the Southern army. The young Southern aristocrat accustomed all his life to contact with slaves who owed him unquestioning obedience, was slow as a soldier to learn himself the lesson that he had taught his slaves. The difficulty of disciplining the Southern armies, as Eggleston saw it, was the difficulty of persuading high-spirited young men of undoubted personal courage to learn to act together under orders. There was doubtless much of the same condition or sentiment in the Northern army. As the months went by the armies on both sides, if lacking in the trivialities of discipline, became fine fighting machines. One would not think of Stonewall Jackson's army as anything less than a body with which the great commander could work confidently.

Our ideas of the life and business of a soldier were drawn chiefly from the adventures of *Ivanhoe* and *Charles O'Malley*,<sup>1</sup> two worthies with whose personal history almost every man in the army was familiar. The men who volunteered went to war of their own accord, and were wholly unaccustomed to acting on any other than their own motion. They were hardy lovers of field sports, accustomed to out-door life, and in all physical respects excellent material of which to make an army. But they were not used to control of any sort, and were not supposed to obey anybody except for good and sufficient reason given. . . . Off drill they did as they pleased, holding themselves gentlemen, and as such bound to consult only their own wills. Their officers were of themselves, chosen by election, and

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<sup>1</sup> The sentimental, convivial, love-making hero of a novel of the Peninsular War by Charles Lever, always in trouble with his superior officers for breaches of discipline, and always redeeming himself by his social graces or by some act of individual daring.



subject, by custom, to enforced resignation upon petition of the men. Only corporals cared sufficiently little for their position to risk any magnifying of their office by the enforcement of discipline. I make of them an honorable exception, out of regard for the sturdy corporal who, at Ashland, marched six of us (a guard detail) through the very middle of a puddle, assigning as his reason for doing so the fact that "It's plagued little authority they give us corporals, and I mean to use that little, anyhow." . . .

With troops of this kind, the reader will readily understand, a feeling of very democratic equality prevailed, so far at least as military rank had anything to do with it. Officers were no better than men, and so officers and men messed and slept together on terms of entire equality, quarreling and even fighting now and then, in a gentlemanly way, but without a thought of allowing differences of military rank to have any influence in the matter. . . .

There was one sort of rank, however, which was both maintained and respected from the first, namely, that of social life. The line of demarkation between gentry and common people is not more sharply drawn anywhere than in Virginia. . . . The man of good family felt himself superior, as in most cases he unquestionably was, to his fellow-soldier of less excellent birth; and this distinction was sufficient, during the early years of the war, to override everything like military rank. In one instance which I remember, a young private asserted his superiority of social standing so effectually as to extort from the lieutenant commanding his company a public apology for an insult offered in the subjection of the private to double duty, as a punishment for absence from roll-call. . . .

It was in this undisciplined state that the men who afterwards made up the army under Lee were sent to the field to meet the enemy at Bull Run and elsewhere, and the only wonder is that they were ever able to fight at all. They were certainly not soldiers. They were as ignorant of the alphabet of obedience as their officers were of the art of

commanding. And yet they acquitted themselves reasonably well, a fact which can be explained only by reference to the causes of their insubordination in camp. These men were the people of the South, and the war was their own; wherefore they fought to win it of their own accord and not at all because their officers commanded them to do so. Their personal spirit and their intelligence were their sole elements of strength. Death has few terrors for such men, as compared with dishonor, and so they needed no officers at all, and no discipline, to insure their personal good conduct on the field of battle. . . .

During the spring and early summer of 1861, the men did not dream that they were to be paid anything for their services or even that the government was to clothe them. They had bought their own uniforms, and whenever these wore out they ordered new ones to be sent, by the first opportunity, from home. . . .

The unanimity of the people was simply marvelous. So long as the question of secession was under discussion, opinions were both various and violent. The moment secession was finally determined upon, a revolution was wrought. There was no longer anything to discuss, and so discussion ceased. Men got ready for war, and delicate women with equal spirit sent them off with smiling faces. The man who tarried at home for never so brief a time, after the call to arms had been given, found it necessary to explain himself to every woman of his acquaintance, and no explanation was sufficient to shield him from the social ostracism consequent upon any long tarrying. Throughout the war it was the same, and when the war ended the men who lived to return were greeted with sad faces by those who had cheerfully and even joyously sent them forth to the battle.

Under these circumstances, the reader will readily understand, the first call for troops took nearly all the men of Virginia away from their homes. Even the boys in the colleges and schools enlisted, and these establishments were

forced to suspend for want of students. In one college the president organized the students, and, making himself their commander, led them directly from the class-room to the field. So strong and all-embracing was the thought that every man owed it to the community to become a soldier, that even clergymen went into the army by the score, and large districts of country were left too without a physician, until the people could secure, by means of a memorial, the unanimous vote of the company to which some favorite physician belonged, declaring it to be his patriotic duty to remain at home. Without such an instruction from his comrades no physician would consent to withdraw, and even with it very many of them preferred to serve in the ranks.

These were the men of whom the Confederate army was for the first year or two chiefly composed. After that the conscription brought in a good deal of material which was worse than useless. There were some excellent soldiers who came into the army as conscripts, but they were exceptions to the rule. For the most part the men whose bodies were thus lugged in by force had no spirits to bring with them. . . . They were a leaven of demoralization which the army would have been better without. But they were comparatively few in number, and as the character of the army was crystallized long before these men came into it at all, they had little influence in determining the conduct of the whole. If they added nothing to our strength, they could do little to weaken us, and in any estimate of the character of the Confederate army they hardly count at all. The men who early in the war struggled for a place in the front rank, whenever there was chance of a fight, and thought themselves unlucky if they failed to get it, are the men who gave character afterwards to the well-organized and well-disciplined army which so long contested the ground before Richmond. They did become soldiers after awhile, well regulated and thoroughly effective. The process of disciplining them took away none of their personal

spirit or their personal interest in the war, but it taught them the value of unquestioning obedience and the virtue there was in yielding it. I remember very well the extreme coolness with which, in one of the valley skirmishes, a few days before the first battle of Bull Run, a gentleman private in my own company rode out of the ranks for the purpose of suggesting to J. E. B. Stuart the propriety of charging a gun which was shelling us, and which seemed nearer to us than to its supporting infantry. I heard another gentleman without rank, who had brought a dispatch to Stonewall Jackson, request that officer to "cut the answer short," on the ground that his horse was a little lame and he feared his inability to deliver it as promptly as was desirable. . . .

This personal interest in the war, which in their undisciplined beginning led them into indiscreet meddling with details of policy belonging to their superiors, served to sustain them when as disciplined soldiers they were called upon to bear a degree of hardship of which they had never dreamed. They learned to trust the management of affairs to the officers, asking no questions but finding their own greatest usefulness in cheerful and ready obedience. The wish to help which made them unsoldierly at first, served to make them especially good soldiers when it was duly tempered with discipline and directed by experience. . . .

George Cary Eggleston, *A Rebel's Recollections*, pp. 31-53, *passim*. G. P. Putnam's Sons, New York and London, 1875.

#### QUESTIONS

What soldierly qualities did the Confederate volunteers of 1861 possess? Illustrate their disregard of discipline. Had the men the habit of unquestioning obedience to their officers? Was there any distinction preserved between officers and men? Explain the strength of social distinctions in the army. According to the writer, was the social class of which he writes unanimous in support of the war? How was the quality of the army weakened by the conscripts of later years? Probably again the same thing was

true of the Northern army. The undisciplined volunteers of the first year or two were tremendously in earnest.

## XLVII

## WHEN MONEY WAS EASY

The cleverness of this description of conditions under a régime of paper money is inimitable. At the same time the facts recorded in it are worth consideration from an economic standpoint. The whole community in the South was very doubtful as to whether this paper money, which was so lavishly issued and so easy to get, would ever be worth its face value in gold or silver. Accordingly, people thought they should get prices for their commodities in paper money many times greater than the ordinary prices of the articles. These prices in depreciated paper were simply regulated by the individual estimates of what prices ought to be. For exact transactions men fell back into the habit of exchanging articles one for the other at their old specie values; and this method which exists in simple and primitive communities replaced the common method of paying for purchases in metallic money.

It seems a remarkable fact that during the late Congressional travail with the currency question,<sup>1</sup> no one of the people in or out of Congress, who were concerned lest there should not be enough money in the country to "move the crops," ever took upon himself the pleasing task of rehearsing the late Confederacy's financial story, for the purpose of showing by example how simple and easy a thing it is to create wealth out of nothing by magic revolutions of the printing-press, and to make rich, by act of Congress, everybody not too lazy to gather free dollars into a pile. The story has all the flavor of the *Princess Scheherezade's*

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<sup>1</sup> He alludes to the pressure for currency to pay harvest hands that occurs every Autumn in the United States. In 1871 and 1873, the Government issued additional paper money to the banks for use in "moving the crops."

romances, with the additional merit of being historically true. For once a whole people was rich. Money was "easy" enough to satisfy everybody and everybody had it in unstinted measure. . . .

The financial system adopted by the Confederate government was singularly simple and free from technicalities. It consisted chiefly in the issue of treasury notes enough to meet all the expenses of the government, and in the present advanced state of the art of printing there was but one difficulty incident to this process; namely, the impossibility of having the notes signed in the Treasury Department, as fast as they were needed. There happened, however, to be several thousand young ladies in Richmond willing to accept light and remunerative employment at their homes, and as it was really a matter of small moment whose names the notes bore, they were given out in sheets to these young ladies, who signed and returned them for a consideration. I shall not undertake to guess how many Confederate treasury notes were issued. Indeed I am credibly informed by a gentleman who was high in office in the Treasury Department, that even the secretary himself did not certainly know. . . .

We knew only that money was astonishingly abundant. Provisions fell short sometimes, and the supply of clothing was not always as large as we should have liked, but nobody found it difficult to get money enough. It was to be had almost for the asking. And to some extent the abundance of the currency really seemed to atone for its extreme badness. Going the rounds of the pickets on the coast of South Carolina, one day, in 1863, I heard a conversation between a Confederate and a Union soldier, stationed on opposite sides of a little inlet, in the course of which this point was brought out.

*Union Soldier.* Aren't times rather hard over there, Johnny?

*Confederate Soldier.* Not at all. We've all the necessities of life.

U. S. Yes: but how about luxuries? You never see any coffee nowadays, do you?

C. S. Plenty of it.

U. S. Isn't it pretty high?

C. S. Forty dollars a pound, that's all.

U. S. Whew! Don't you call that high?

C. S. (after reflecting). Well, perhaps it is a trifle uppish, but then you never saw money so plentiful as it is with us. We hardly know what to do with it, and don't mind paying high prices for things we want.

And that was the universal feeling. Money was so easily got, and its value was so utterly uncertain, that we were never able to determine what was a fair price for anything. We fell into the habit of paying whatever was asked, knowing that to-morrow we should have to pay more. Speculation became the easiest and surest thing imaginable. The speculator saw no risks of loss. Every article of merchandise rose in value every day, and to buy anything this week and sell it next was to make an enormous profit quite as a matter of course. . . .

The prices which obtained were almost fabulous, and singularly enough there seemed to be no sort of ratio existing between the values of different articles. I bought coffee at forty dollars and tea at thirty dollars a pound on the same day.

My dinner at a hotel cost me twenty dollars, while five dollars gained me a seat in the dress circle of the theater. I paid one dollar the next morning for a copy of the *Examiner*, but I might have got the *Whig*, *Dispatch*, *Enquirer*, or *Sentinel*, for half that sum. For some wretched tallow candles I paid ten dollars a pound. The utter absence of proportion between these several prices is apparent, and I know of no way of explaining it except upon the theory that the unstable character of the money had superinduced a reckless disregard of all value on the part of both buyers and sellers. A facetious friend used to say prices were so high that nobody could see them, and that

they "got mixed for want of supervision." He held, however, that the difference between the old and new order of things was a trifling one. "Before the war," he said, "I went to market with the money in my pocket, and brought back my purchases in a basket; now I take the money in the basket, and bring the things home in my pocket." . . .

The government's course in levying a tax in kind, as the only possible way of making the taxation amount to anything, led speedily to the adoption of a similar plan, as far as possible, by the people. A physician would order from his planter friend ten or twenty visits' worth of corn, and the transaction was a perfectly intelligible one to both. The visits would be counted at ante-war rates, and the corn estimated by the same standard. In the early spring of 1865 I wanted a horse, and a friend having one to spare, I sent for the animal, offering to pay whatever the owner should ask for it. He could not fix a price, having literally no standard of value to which he could appeal, but he sent me the horse, writing, in reply to my note: —

"Take the horse, and when the war shall be over, if we are both alive and you are able, give me as good a one in return. Don't send any note or due-bill. It might complicate matters if either should die."

A few months later, I paid my debt by returning the very horse I had bought. I give this incident merely to show how utterly without financial compass or rudder we were. . . .

In the cities, living was not by any means so easy as in the country. Business was paralyzed, and abundant as money was, it seems almost incredible that city people got enough of it to live on. Very many of them, were employed, however, in various capacities, in the arsenals, departments, bureaus, etc., and these were allowed to buy rations at fixed rates, after the postoffice clerks in Richmond had brought matters to a crisis by resigning their clerkships to go into the army, because they could not sup-



port life on their salaries of nine thousand dollars a year. . . .

George Cary Eggleston: *A Rebel's Recollections*, pp. 77-95, *passim*.

#### QUESTIONS

In what sense had the prices of articles in paper money "got mixed for want of supervision"? Did the relative value of articles have anything to do with their paper money prices? How were transactions carried on by barter or exchange of goods?

PART IX  
RECONSTRUCTION  
XLVIII  
THE DOMINANT THEORY OF RECON-  
STRUCTION

The two following extracts from speeches of Thaddeus Stevens in Congress in 1865 and 1867 illustrate his complete lack of tolerance and regard for the feelings of the South, and his determination to secure the supremacy of the Republican party at any cost. As he led the party in the House of Representatives and practically dictated its programme of Reconstruction, his ideas and prejudices were embodied to a great extent in the legislation for the South. Contrast the harshness of his language with the consideration for Lee's feelings the Union officers showed at Appomattox.

A

It matters but little . . . whether you call them States out of the Union and now conquered territories, or assert that because the Constitution forbids them to do what they did do, that they are therefore only dead as to all national and political action, and will remain so until the Government shall breathe into them the breath of life anew and permit them to occupy their former position. In other words, that they are not out of the Union, but are only dead carcasses lying within the Union. In either case, it is very plain that it requires the action of Congress to enable them to form a State government and send representatives to Congress. . . . Dead men cannot raise themselves. Dead States cannot restore their own existence "as it was." . . .

The future condition of the conquered power depends on the will of the conqueror. They must come in as new States or remain as conquered provinces. Congress . . . is the only power that can act in the matter. . . .

Congress alone can do it. . . . Congress must create States and declare when they are entitled to be represented. Then each House must judge whether the members presenting themselves from a recognized State possess the requisite qualifications of age, residence and citizenship; and whether the election and returns are according to law. . . .

It is obvious from all this that the first duty of Congress is to pass a law declaring the condition of these outside or defunct States, and providing proper civil governments for them. Since the conquest they have been governed by martial law. Military rule is necessarily despotic and ought not to exist longer than is absolutely necessary. As there are no symptoms that the people of these provinces will be prepared to participate in constitutional government for some years, I know of no arrangement so proper for them as territorial governments. There they can learn the principles of freedom and eat the fruit of foul rebellion. Under such governments, while electing members to the territorial Legislatures, they will necessarily mingle with those to whom Congress shall extend the right of suffrage. In Territories Congress fixes the qualifications of electors; and I know of no better place nor better occasion for the conquered rebels and the conqueror to practice justice to all men, and accustom themselves to make and to obey equal laws. . . .

. . . They ought never to be recognized as capable of acting in the Union, or of being counted as valid States, until the Constitution shall have been so amended as to make it what its framers intended; and so as to secure perpetual ascendancy to the party of the Union; and so as to render our republican Government firm and stable forever. The first of those amendments is to change the basis

of representation among the States from Federal numbers to actual voters. . . . With the basis unchanged the eighty-three Southern members, with the Democrats that will in the best times be elected from the North, will always give a majority in Congress and in the Electoral College. . . . I need not depict the ruin that would follow. . . .

But this is not all that we ought to do before these inveterate rebels are invited to participate in our legislation. We have turned, or are about to turn, loose four million slaves without a hut to shelter them or a cent in their pockets. The infernal laws of slavery have prevented them from acquiring an education, understanding the commonest laws of contract, or of managing the ordinary business of life. This Congress is bound to provide for them until they can take care of themselves. If we do not furnish them with homesteads, and hedge them around with protective laws; if we leave them to the legislation of their late masters, we had better have left them in bondage. . . . If we fail in this great duty now, when we have the power, we shall deserve and receive the execration of history and of all future ages.

*Congressional Globe*, December 18, 1865, pp. 73-74, 39th Congress, 1st Session.

## B

Unless the rebel States, before admission, should be made republican in spirit, and placed under the guardianship of loyal men, all our blood and treasure will have been spent in vain. . . . Having these States . . . entirely within the power of Congress, it is our duty to take care that no injustice shall remain in their organic laws. Holding them "like clay in the hands of the potter," we must see that no vessel is made for destruction. . . . There is more reason why colored voters should be admitted in the rebel States than in the Territories. In the States they form the great mass of the loyal men. Possibly with their

aid loyal governments may be established in most of those States. Without it all are sure to be ruled by traitors; and loyal men, black and white, will be oppressed, exiled, or murdered. There are several good reasons for the passage of this bill. In the first place, it is just. I am now confining my argument to negro suffrage in the rebel States. Have not loyal blacks quite as good a right to choose rulers and make laws as rebel whites? In the second place, it is a necessity in order to protect the loyal white men in the seceded States. The white Union men are in a great minority in each of those States. With them the blacks would act in a body; and it is believed that in each of said States, except one, the two united would form a majority, control the States, and protect themselves. Now they are the victims of daily murder. They must suffer constant persecution or be exiled. . . .

Another good reason is, it would insure the ascendancy of the Union party. Do you avow the party purpose? exclaims some horror-stricken demagogue. I do. For I believe, on my conscience, that on the continued ascendancy of that party depends the safety of this great nation. If impartial suffrage is excluded in the rebel States, then everyone of them is sure to send a solid rebel representative delegation to Congress, and cast a solid rebel electoral vote. They, with their kindred Copperheads of the North, would always elect the President and control Congress. While slavery sat upon her defiant throne, and insulted and intimidated the trembling North, the South frequently divided on questions of policy between Whigs and Democrats, and gave victory alternately to the sections. Now, you must divide them between loyalists, without regard to color and disloyalists, or you will be the perpetual vassals of the free-trade, irritated, revengeful South. . . . I am for negro suffrage in every rebel State. If it be just, it should not be denied; if it be necessary, it should be adopted; if it be a punishment to traitors, they deserve it.

*Congressional Globe*, January 3, 1867, p. 252, 39th Congress, 2d Session.

#### QUESTIONS

What division of the government did Stevens think had the right to restore to statehood the States that had seceded? What was its immediate duty with respect to providing them with legal governments? What precautions should be taken to secure the liberty and rights of the negroes before the States were fully readmitted or allowed to take their legal place in the Union? Why did Stevens think that the negroes had a right to the franchise? How did he think their votes necessary to the safety of the Republican party?

### XLIX

#### THE FREEDMAN'S BUREAU

The Freedman's Bureau was created by Act of Congress, March 2, 1865, for one year; by later acts its life was continued to 1868. It was designed to be a sort of guardian to the newly freed negroes until they had grown sufficiently accustomed to freedom to be self-reliant; it was given powers sufficient to prevent any attempts to reënslave them or hold them in serfage, and to protect them from unfair discrimination by state laws. Two views of its activities are here given. The circular of advice may represent the benevolent motives that caused its creation; the hostile report on its activity describe the abuses it was charged with where it was employed as a political machine for the delivery of the negro vote. Doubtless there was wrong done and good done also; but the negro question could not be settled by the national government's placing men in charge of the freedmen as wards of the nation.

#### A

II. By the proclamation of the President sanctioned by Congress the colored people are free. The result of the war, in which so many colored men have taken an honorable part, confirms their freedom. If in any place they are still held and treated as slaves, it is an outrage. To prevent such a wrong, and to secure to them protection, the Bureau

of Freedmen has been established, and its officers placed throughout the district. All colored people have a right and are invited to go to these officers for advice and protection whenever they think themselves wronged. The officers ask for the confidence of the colored people. Whenever the State laws and courts do not do justice to the colored man, by refusing the testimony of colored witnesses, or in any other way, the freed people must apply to the nearest officer of the Bureau; he will tell what is to be done in each case. The freedmen must not attempt to take the law into their own hands, or to right themselves by any kind of violence, carrying off property, or the like. White men will sometimes trespass upon a black man's rights or commit acts of personal violence, and then try to shield themselves under the plea that there is nothing but negro testimony against them. The officers of the Bureau have power to take up all such cases, and to admit the negro testimony, and the colored people must seek their remedy by going to these officers. . . .

IV. They who have come out of slavery must exercise patience. No great change like that from slavery to freedom can be made to work perfectly at once. They must remember that they cannot have rights without duties. Freedom does not mean the right to live without work at other people's expense, but means that each man shall enjoy the fair fruit of his labor. A man who can work has no right to a support by government or by charity. The issue of rations to colored people by the government during the war was an act of humanity, because they were driven from their work, forsaken by their old masters, and left without food. This is not the case now. The means and opportunity to make a respectable living are within the reach of every colored man in this State. No really respectable person wishes to be supported by others. . . .

VI. The freed people must have schools. If they are not educated they will be at constant disadvantage with white men. . . . But the government will not pay the

teachers, and the benevolence of the North may not be able to support so many as will be needed. The colored people ought to aid. . . . If they prefer it at any place, they might agree to be taxed according to their incomes, and take measures, in consultation with the officers of the bureau, to collect the tax themselves, and pay it over to the officers, who will use it for the schools and give account to all concerned.

*House Executive Documents No. 70, 39th Congress, 1st Session, p. 154.*

## B

Even while the Federal Government was administering their affairs through direct agencies from Washington, they were oppressed and plundered by the Freedmen's Bureau agencies, by the cotton thieves, and the military, to an extent only exceeded by the carpet-bag local governments which superseded them.<sup>1</sup>

First, as to the Freedmen's Bureau and its operations. By this act, four millions of negroes became the pupils, wards, servitors, and pliant tools of a political and extremely partisan agency, inimical and deadly hostile to the peace, order, and best interests of southern society. . . .

. . . The agents of the Freedmen's Bureau were, as we have shown before, generally of a class of fanatics without character or responsibility, and were selected as fit instruments to execute the partisan and unconstitutional behests of a most unscrupulous head. Thus, the negroes were organized into secret political societies known as Loyal Leagues, in which organizations they were taught that their former owners were their worst enemies, and that to act with them, politically or religiously, would certainly result in their re-enslavement. A regulation of this Bureau required all agreements for service between whites

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<sup>1</sup> These charges against the Bureau were made by the minority of a congressional committee.



and blacks to be signed and witnessed in the presence of, and left in the custody of, the agent. It was a common practice, after a planter or farmer had contracted in the required form with the freedmen for the year, had his crops planted and in process of cultivation, that his negro laborers would *strike* for higher wages. Nothing but the intervention of the Bureau agent could induce them to return, and that *inducement* could only be effected by the planter or farmer paying to the agent from ten to twenty dollars per head. This sum was simply a *perquisite* of the agent, and when paid, the negro always returned to his labors, though not receiving a cent of additional compensation. . . . These Bureau agents had authority to order the arrest and imprisonment of any citizen on the single statement of any vicious negro; and if any resistance was made to the *mandates* of the Bureau agent, the post commandant, or military governor, was always ready to enforce it with a file of bayonets. . . .

*Affairs in the Late Insurrectionary States*, Vol. I, pp. 441-2, 42d Congress, 2d Session, *Senate Report 41*, Part I.

#### QUESTIONS

What part was the Bureau designed to take in securing the freedmen, against attempts to re-enslave them? How could it protect freedmen against unjust State laws? How did it seek to impress on the negroes the necessity of their working like freemen, and seeking themselves to advance their race? What, according to the charges of the minority report, was the part of Bureau officials in organizing Loyal Leagues? How did its officials extort money from planters?

## L

## SOUTHERN GOVERNMENT UNDER RECONSTRUCTION

## A

## ELECTION TO THE ALABAMA CONVENTION OF 1868

Their election was the most ridiculous farce ever beheld. I wish you could have seen the poor ignorant blacks giving in their "bits of paper," as they called their printed ballots, when they knew no more of the names on them, who they were, what they were, than you did at the same time in your far-off home. . . . In all the elections ever held in the United States, there has not been so much fraud committed as there was in this one (1867). The negroes think they have been greatly wronged because they have not been paid for voting. . . .

. . . Every office, from governor to constable, from the chief justice of the Supreme Court to the magistrate of a county beat, is made elective and placed at the disposal of the blacks, not one in five hundred of whom can either read or write, and who know no more of what they are doing, when they vote, than would a hog or mule know, if those brutes had the privilege of voting. . . .

*Affairs in the Late Insurrectionary States*, "Alabama Testimony," Vol. III, p. 1832. Letter of Samuel A. Hale. *Senate Reports*, 42d Congress, 2d Session, 1871-1872.

## B

## PAINTED PEGS

I can tell you from what I know and have seen myself and also from what negroes have told me, that they have been promised lands and mules — forty acres of land and

a mule — on divers occasions. Many an old negro has come to me and asked me about that thing. I can illustrate it by one little thing that I saw on a visit once to Gainesville, Sumter County [Alabama]. At a barbecue there I saw a man who was making a speech to the negroes, telling them what good he had done for them; that he had been to Washington City and had procured from one of the Departments here certain pegs. I saw the pegs. He had about two dozen on his arm; they were painted red and blue. He said that those pegs he had obtained from here at a great expense to himself; that they had been made by the government for the purpose of staking out the negroes' forty acres. He told the negroes that all he wanted was to have the expenses paid to him, which was about a dollar a peg. He told them that they could stick one peg down at a corner, then walk so far one way and stick another down, till they had got the four pegs down; and that, when the four pegs were down, the negroes' forty acres would be included in that area; and all he had to say to them was, that they could stick those pegs anywhere they pleased — on anybody's land they wanted to, but not to interfere with each other; and he would advise them, in selecting the forty acres, to take half woodland and half clear; that nobody would dare to interfere with those pegs.

*Affairs in the Late Insurrectionary States*, "Alabama Testimony," p. 314. Statement of John G. Pierce. *Senate Reports*, 42d Congress, 2d Session, 1871-1872.

## C

### A NEGRO LEGISLATURE

A description of the South Carolina Legislature in days when the old white leaders were disfranchised by the Reconstruction acts, and the negro vote was manipulated by corrupt politicians. The account of this travesty on a legislative body needs no comment. James S. Pike (1811-1882) was a newspaper man who before the war had been a pronounced anti-slavery partisan.

Such a picture, as this here given, accounts in part for continuing opposition among southern whites against negro participation in politics. It should in all fairness be said, however, that even the negro and carpet-bag governments did some good things, such as establishing the public school system.

. . . We will enter the House of Representatives. Here sit one hundred and twenty-four members. Of these, twenty-three are white men, representing the remains of the old civilization. These are good-looking, substantial citizens. . . . There they sit, grim and silent. They feel themselves to be but loose stones, thrown in to partially obstruct a current they are powerless to resist. . . .

This dense negro crowd . . . do the debating, the squabbling, the law-making, and create all the clamor and disorder of the body. . . .

The Speaker is black, the clerk is black, the door-keepers are black, the little pages are black, the chairman of the Ways and Means is black, and the chaplain is coal black. At some of the desks sit colored men whose types it would be hard to find outside of Congo; whose costume, visages, attitudes, and expression, only befit the forecastle of a buccaneer. It must be remembered, also, that these men, with not more than a half dozen exceptions, have been themselves, slaves, and that their ancestors were slaves for generations.

. . . No one is allowed to talk five minutes without interruption, and the one interruption is a signal for another and another, until the original speaker is smothered under an avalanche of them. Forty questions of privilege will be raised in a day. At times, nothing goes on but alternating questions of order and of privilege. The inefficient colored friend who sits in the Speaker's chair cannot suppress this extraordinary element of the debate. Some of the blackest members exhibit a pertinacity of intrusion in raising these points of order and questions of privilege that few white men can equal. Their struggles to get the floor, their bellowings, and physical contortions, baffle descrip-

tion. The Speaker's hammer plays a perpetual tattoo all to no purpose. The talking and the interruptions from all quarters go on with the utmost license. Everyone esteems himself as good as his neighbor, and puts in his oar, apparently as often for love of riot and confusion as for anything else. . . . The Speaker orders a member whom he has discovered to be particularly unruly to take his seat. The member obeys, and with the same motion that he sits down, throws his feet on to his desk, hiding himself from the Speaker by the soles of his boots. . . . After a few experiences of this sort, the Speaker threatens, in a laugh, to call "the gemman" to order. This is considered a capital joke, and a guffaw follows. The laugh goes round and then the peanuts are cracked and munched faster than ever; one hand being employed in fortifying the inner man with this nutriment of universal use, while the other enforces the views of the orator. . . .

But underneath all this shocking burlesque upon legislative proceedings, we must not forget that there is something very real to this uncouth and untutored multitude. It is not all sham, nor all burlesque. They have a genuine interest and a genuine earnestness in the business of the assembly which we are bound to recognize and respect, unless we would be accounted shallow critics. . . . The whole thing is a wonderful novelty to them as well as to observers. Seven years ago these men were raising corn and cotton under the whip of the overseer. To-day they are raising points of order and questions of privilege. They find they can raise one as well as the other. They prefer the latter. It is easier, and better paid. Then, it is the evidence of an accomplished result. It means escape and defense from old oppressors. It means liberty. It means the destruction of prison walls only too real to them. It is the sunshine of their lives. It is their day of jubilee. It is their long promised vision of the Lord God Almighty.

J. S. Pike: *The Prostrate State*, pp. 12-21, *passim*. D. Appleton and Co., New York, 1874.

## LI

A SPECIMEN OF THE CARPET-BAGGER AND  
HIS MISGOVERNMENT

The Northern Reconstruction policy prevented old Southern leaders from taking part in political affairs; a large part of the white population were prevented from voting or holding office. In consequence the government in a number of the States was thrown into the hands of the negroes and of a comparatively few unscrupulous white men, many of whom were Northerners desiring to profit by the unsettled conditions. This account of Warmoth's career is taken from a Congressional report. The account of the depth of his misrule in Louisiana in the one department of finance is taken from *Why the Solid South?* an arraignment of the Republican Reconstruction policy and its results by prominent Southern politicians. It of course presents only one side of the case; but it probably presents that side correctly. There were some Northerners in the South who were not there simply for booty.

## A

## GOVERNOR WARMOTH OF LOUISIANA

He is a native of Illinois; entered the Army from Missouri a democrat; had trouble with General Grant after the battle of Vicksburgh; was charged with circulating exaggerated reports of the Union losses there; was dismissed the service by Grant, and was restored to his command by President Lincoln, his dismissal having been unjust, and procured through questionable motives. He retired from the army in 1865; went to Texas; was indicted there for embezzlement and appropriating Government cotton. Carter acted as his attorney; but when the case was called no prosecutor appeared, and the prosecution was abandoned. He returned to New Orleans, and before the reconstruction of Louisiana he was elected a

delegate to Congress, each voter depositing with his ballot *fifty cents* to defray Warmoth's expenses to Washington. He had been governor four years, at an annual salary of \$8,000, and he testifies he made far more than \$100,000 the first year, and he is now estimated to be worth from \$500,000 to \$1,000,000. . . .

*House Report* No. 92, 42d Congress, 2d Session, p. 24. 1872.

## B

The annual expenditure of the Warmoth government, during the four years and five months it was in power, was as follows, not including the increase made in the state debt:

1868, from July .....	\$3,837,877.74
1869 .....	4,294,677.16
1870 .....	7,131,202.11
1871 .....	6,425,831.50
1872 .....:	4,704,983.65

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Total for four years and five mos .... \$26,394,572.16

Soon after coming into office Governor Warmoth called attention to the state debt, and to the facility with which it could be increased. In his message to the Legislature, January 4, 1868, he said: "The total bonded debt, exclusive of bonds owned by the state, is \$6,771,300, and this sum is further reducible by \$871,000. The floating debt is \$1,929,500; and it is expected that enough can be realized from the special one per cent. tax to discharge the entire floating debt, and leave a surplus of \$500,000." "Our debt is smaller than that of almost any state in the Union," continued Warmoth, significantly; "with a tax-roll of \$251,000,000, and a bonded debt that can at will be reduced to \$6,000,000, there is no reason that our credit should not be at par." . . .

Under Warmoth, the Republicans had added to the State and city indebtedness of Louisiana \$54,325,759, with nothing whatever to show for it. The cost of these four years and five months of misrule was, therefore:

Money actually expended by state.....	\$26,394,572
By local bodies (partly estimated).....	25,300,000
Increase in debt (state and local).....	54,325,759

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Total cost 4 yr's and 5 mo's Republican misrule, .....	\$106,020,331
Amounting per year to.....	24,040,089

In a little over four years the Republican party had spent nearly as much in amount as half the wealth of the state. Of the bonds issued, a large part bore interest at eight per cent.

Such profligacy necessarily required a heavy rate of taxation. The state tax in 1867, just previous to Warmoth's election, was  $3\frac{3}{4}$  mills; in 1869 it was raised to  $5\frac{1}{4}$ ; in 1870 to  $7\frac{1}{2}$ ; in 1871 to  $14\frac{1}{2}$ , and in 1872 to  $21\frac{1}{2}$  mills, at which figure it remained for some years. The taxation in New Orleans which had been 15 mills previous to the election of Warmoth, became  $23\frac{3}{4}$  mills in 1869;  $26\frac{1}{8}$  mills in 1870;  $27\frac{1}{2}$  mills in 1871; and finally 30 mills, or 3 per cent., in 1873. Some of the country parishes fared even worse, and in one case (that of Natchitoches) the taxation reached 7.9 per cent.—much more than the average interest on capital invested, or the productive power of property.

But, great as is this total of \$106,020,337 spent by Warmoth and his followers, it does not represent all the depletion Louisiana then suffered. To it must be added the privileges and franchises given away to favorites, and the state property stolen. To one company was given all the swamp lands in the vicinity of New Orleans; to another rights and franchises on the levee, or river front, of New Orleans, worth hundreds of thousands of dollars. And, as



if this were not enough, the school fund of the several parishes, resulting from the appropriations and land donations made by the State and Federal Governments, were plundered. In his report for 1873, State Superintendent of Education W. F. Brown, a Republican and a colored man, called attention to some of these thefts, as follows: Stolen in Carroll Parish, in 1871, \$30,000; in East Baton Rouge, \$5,032; in St. Landry, \$5,700; in St. Martin, \$3,786.80; in Plaquemines, \$5,855; besides large amounts in St. Tammany, Concordia, Morehouse, and other parishes. The entire permanent school fund of the parishes disappeared during this period.

The state had at the time of Warmoth's inauguration a trust fund of \$1,300,500, for the benefit of the free public schools. The bonds which represented this fund—the most sacred in the custody of the state—were sold at public auction in June, 1872, for \$1,096,956.25 and the proceeds instead of being given to the schools, were set aside to pay the warrants which had been issued by Warmoth for purposes foreign to the legitimate public use, and held by a ring of jobbers and brokers who had bought them at a heavy discount.

H. A. Herbert and others: *Why the Solid South?*, p. 403. R. H. Woodward and Co., Baltimore, 1890.

#### QUESTIONS

What had been Warmoth's career before he became a Southern politician? Sketch his political career in Louisiana. How much was it estimated that he had made out of politics in Louisiana? What addition was made to the State debt of Louisiana in Warmoth's time? How great an increase in the rate of taxation did this cause? What State property was embezzled by the State and local governments in Warmoth's administration?

## LII

## SOCIAL CONDITIONS DURING RECONSTRUCTION

When once the Republican party was associated, in the minds of Southern white men, with negro domination or even general negro suffrage, there was no hope that any large number of them would join the Republican party or work for its success. Possibly, had the party taken another position, had the whole course of Reconstruction been different, the poorer whites might have joined the Republicans and acted with them against the surviving elements of the old ante-bellum aristocracy. As to this no one can speak positively; but the white people, whether they belonged to the whole slave-holding class or not, were not ready to act with a party which recognized the negro even politically as the equal of the white man.

The Southern white population differs from ours in one or two important respects. . . . There is a more marked distinction between the wealthy and the poor than is commonly found in the North. The numerous class of poor white farmers are a kind of people unknown among us. Settled upon a thin and infertile soil; long and constantly neglected before the war; living still in a backwoods country, and in true backwoods style, without schools, with few churches, and given to the rude sports and a rude agriculture, they are a peculiar people. They have more good qualities than their wealthier neighbors, the planters, always allow them; but they are ignorant, easily prejudiced, and they have, since the war, lived in a dread of having social equality with the negro imposed upon them. This fear has bred hatred of the blacks, which has often, in former years, found expression in brutal acts, to which, I believe, in the majority of cases, they were instigated by bad men of a class above them. . . .

In the North we have heard so much about murders that I was very glad to get hold here [in Louisiana] of some

parish statistics on this subject. The State government, which has almost entirely neglected to punish murderers—being too busily engaged in stealing—has, of course, no official returns of crimes as it ought to possess. I have been able to obtain returns of crimes, chiefly made by the county clerks and coroners, from only 13 parishes. . . . From 1868 to 1875 there have been in these 13 parishes 313 murders. Of these, 93 were of whites by whites, 143 were of colored by colored, 28 were of whites by colored, 32 colored by whites, 3 colored by officers of justice, 5 colored by persons unknown, 7 whites by persons unknown, 5 whites by mobs, and 5 colored by mobs.

The State has 57 parishes. Most of the 13 of which I have given returns have a population nearly equally divided between white and black, and I suspect the figures give more than an average number of murders of whites by whites, and less than the average number of murders of blacks by blacks. . . .

Life is not held sacred, as it is in the North. Everybody goes armed, and every trifling dispute is ended with the pistol. Nearly all the disorder and crime is caused by the lower order of whites and by negroes; for these latter have, it seems, generally taken up the habit of carrying arms, and in their quarrels among themselves use their pistol or knife freely. The respectable people of the State [Mississippi] do not discourage the practice of carrying arms as they should; they are astonishingly tolerant of acts which would arouse a Northern community to the utmost, and I believe that to this may be ascribed all that is bad in Mississippi—to an almost total lack of a right public opinion.

The Republican party of North Carolina is composed of the great body of the negroes, and of a large mass of the poor whites in the western or mountain districts. But these small white farmers dislike the negro, whom they know little about, and are easily alarmed at the thought of social equality with him. The Democratic politicians very

naturally worked upon their fears on this point, and thus found their best argument put into their hands by those Republican leaders in the North who insisted upon this measure. [The Civil Rights Bill.]

Charles Nordhoff: *The Cotton States in the Spring and Summer of 1875*, pp. 17-18, 55, 78, 96. D. Appleton and Co., New York, 1876.

#### QUESTIONS

What social distinctions were there in the South between the planters and the small farmers? Can you find in an earlier selection in this book how this difference originated before the war? What had caused the enmity of the poor white class toward the blacks? How far did this find expression in acts of violence? How was the Civil Rights Bill used by the Democrats to bring the poor whites of North Carolina into the Democratic party? Has the Republican party carried Southern States since Reconstruction times? How did the Southern States vote in 1912?

### LIII

#### THE SOUTHERN NEGRO AFTER EMANCIPATION

. . . What the planters are disposed to complain of is that, while they have lost their slaves, they have not got free laborers in any sense common either in the Northern States or in Europe; and, looking around here at Jonesboro, [Alabama, Tennessee Valley], after a calm and wide survey, one cannot but think that the New England manufacturer and the Old England farmer must be equally astonished at a recital of the relations of land, capital, and labor as they exist on the cotton plantations of the Southern States. The wage of the negroes, if such a term can be applied to a mode of remuneration so unusual and anomalous, consist, . . . of one-half the crop of corn and cotton, the only crops in reality produced. . . . The negro, on the semi-communistic basis thus established, finds his own

rations; but as these are supplied to him by the planter, or by the planter's notes of credit on the merchants . . . and as much more sometimes as he thinks he needs by the merchants on his own credit, from the 1st of January onward through the year, in anticipation of crops which are not marketable till the end of December, he can lose nothing by the failure or deficient outcome of the crops, and is always sure of his subsistence. . . . But this is only a part of the "privileges" (a much more accurate term than "wages") of the negro field-hand. In addition to half of the crops, he has a free cottage of the kind he seems to like, and the windows of which he or his wife persistently nail up; he has abundance of wood from the planter's estate for fuel, and for building his corncribs and other outhouses, with teams to draw it from the forest; he is allowed to keep hogs, and milch cows, and young cattle, which roam and feed with the same right of pasture as the hogs and cattle of the planter, free of all charge; he has the same right of hunting and shooting, with quite as many facilities for exercising the right as anybody else—and he has his dogs and guns, though, as far as I have discovered, he provides himself with these by purchase or some other form of conquest. Though entitled to one-half the crops, yet he is not required to contribute any portion of the seed, nor is he called upon to pay any part of the taxes on the plantation. The only direct tax on the negro is a poll-tax, which is wholly set apart for the education of his children, and which I find to be everywhere in arrear, and in some places in a hopeless chaos of non-payment. . . .

The negro field-hand, with his right of half-crop and privileges as described, who works with ordinary diligence, looking only to his own pocket, and gets his crops forward and gathered in due time, is at liberty to go to other plantations to pick cotton, in doing which he may make from two to two and a half dollars a day. For every piece of work outside the crop he does even on his own plantation

he must be paid a dollar a day. It may be clearing ditches, or splitting rails, or anything that is just as essential to the crops as the two-inch plowing and hoeing in which he shambles away his time, but for all this kind of work he must be paid a dollar a day. . . . Yet the negroes, with all their superabounding privilege on the cotton field make little of it. A plowman or a herd in the old country would not exchange his lot for theirs, as it stands and as it appears in all external circumstances. They are almost all in debt; few are able at the end of the year to square accounts with "the merchant"; and it is rarely the planter can point with pride, and with the conscious joy of recording his own profit, to a freedman who, as a result of the year's toil, will have a hundred or two of dollars to the good. The soul is often crushed out of labor by penury and oppression. Here a soul cannot begin to be infused into it through the sheer excess of privilege and license with which it is surrounded.

Robert Somiers: *The Southern States Since the War*, p. 128-9. New York, 1871.

#### QUESTIONS

Describe the system of farming on shares in use after emancipation. Why did it relieve the negro of all worry about his livelihood without requiring him to work? Could the negro be trusted to look after the upkeep of the land that he farmed on shares? For what work on such land must he be paid? What was the economic condition of most of the negroes employed in this way? The system of farming on shares still obtains as a very common practice. At the time, the "renter" who paid his rent in produce was almost as numerous as the "halfer" described in this selection.

#### LIV

### THE KU KLUX KLAN

The Ku Klux Klan was one of those ephemeral secret orders that swiftly sweep into their membership a large portion of a

community or a whole class and then as quickly subside. Southerners made use of its name at a critical moment to cover the exertions they were then making to keep the negroes in order, and to counteract the activity of the carpet-baggers and the freedmen who followed them. The Klan's organization was loose and its methods differed from one locality to another in response to local needs and the character of the men who chanced to be in control of its operations. They ranged from acts of violence to comical practicings on the superstition of the negroes. Undoubtedly its name and methods were employed to cloak many of the crimes of violence with which the organization and members of the Klan proper had no connection.

#### KU KLUX COSTUME (NORTH CAROLINA)

The costume is a long gown with loose flowing sleeves, with a hood, in which the apertures for the eyes, nose and mouth are trimmed with some red material. The hood has three horns, made out of some cotton-stuff, in shape something like candy bags, and stuffed, and wrapped with red strings, the horns standing out on the front and the sides of the hood. When a costume is worn by a person he is completely disguised by it. He does not speak in his natural tone of voice, and uses a mystical style of language, and is armed with a revolver, a knife, or a stick. In some instances where they have ridden through neighborhoods they have disguised their horses so that even they should not be recognized. . . . It is a large loose gown, covering the whole person quite closely, buttoned close around and reaching from the head clear down to the floor, covering the feet and dragging on the ground. It is made of bleached linen, starched and ironed, and in the night, by moonlight, it glitters and rattles. Then there is a hood with holes cut in for eyes, and a nose, six or eight inches long, made of cotton cloth, stuffed with cotton, and lapped with red braid half an inch wide. The eyes are lined with the braid, and the eyebrows are made of the same. The cloth is lined with red flannel. Then there is a long tongue

sticking out about six inches, made of red flannel also, and so fixed that it can be moved about by the man's tongue. Then in the mouth are large teeth that are very frightful. Then under the tongue is a leather bag placed inside, so that when the man calls for water he pours it inside the bag and not into his mouth at all.

*Senate Reports* No. 1, p. 2. 42d Congress, 1st Session, 1871.



PART X

THE CATTLE INDUSTRY AND AGRICULTURE  
SINCE THE WAR

LV

CATTLE DAYS IN THE WEST

The two extracts below represent two past phases of the cattle industry of the United States,—the driving of great herds from Texas to the railroads in Kansas, and the cattle ranches of the Plains of a decade later. The advance of farming communities has appropriated the land to the plow, or the enclosed pasture has taken the place of the boundless grazing lands; thus the grazing industry is to-day organized on far different lines. Professor Turner has said that, in the settlement of the United States, the fur trader always first invaded the wilderness. After him came the grazier with his herds of cattle, only to be displaced in his turn by the pioneer farmer. The second stage of development of the Great Plains has passed away in large measure in our own generation, though there are still great grazing ranches in the West for both cattle and sheep. As the rough and ready life of the early West contrasted sharply with the methods of life in the older settled States, the romance of the cowboy and the cattle days has been a favorite theme for writers of thrilling tales of adventure.

A

In 1860, Texas, as it had been for many years before, was the chief producer of live stock in the Western States. . . . The peculiarly favorable climate of Texas gave the State almost a monopoly of the business. The pastures were green the year around, and the proximity to market, either at points on the Mississippi River, to which herds from the

eastern part of the State could easily be driven, or by water from points on the Gulf, gave a distinct advantage. . . .

The outbreak of the war brought upon the ranch-owners a peculiar embarrassment of riches. With the Northern market cut off, and Southern business life demoralized, no disposition could be made of the rapidly increasing herds. Occasional fugitive sales along the Mississippi became almost the only markets. . . . In 1865 and 1866 the ranch-owners determined to seek Northern markets at any cost, and thousands of animals were massed in the northeast portion of the State preparatory to driving to Missouri railroad stations. . . . The solution of the problem confronting the cattle-raisers came through the construction of the railroads across Kansas. In 1867, the old Kansas Pacific Railroad, now the Kansas Division of the Union Pacific, was being built from Kansas City along the valley of the Kaw due west across the State. . . . Arrangements were made for the location of the proper yards at Abilene, a station one hundred and sixty-five miles from Kansas City, situated in the midst of a richly-grassed prairie section, admirably adapted for grazing grounds of incoming herds. The town had less than a dozen houses, and was within less than thirty miles of the end of the road, as then completed. Yards were built and steps were taken to induce the cattle men to make this a point from which to ship their herds. . . .

. . . 1868 saw a general friendliness toward the new movement among Texas stock-owners, and a northward drive that exceeded seventy-five thousand head. But the succeeding year, 1869, saw a greater increase, and one hundred and sixty thousand cattle came tramping up like a horned army from the ranches of the South.

By this time well-defined trails had been located, and for two decades those trunk-lines connecting the great producing and consuming points held their supremacy. The most famous of these was the "Chisholm Trail." . . . From two

hundred to four hundred yards wide, beaten into the bare earth, it reached over hill and through valley for over six hundred miles (including its southern extension) a chocolate band between the green prairies, uniting the North and South. As the marching hoofs wore it down, and the winds blew and the waters washed the earth away, it became lower than the surrounding country and was flanked by little banks of sand, drifted there by the wind. Bleaching skulls and skeletons of weary brutes who had perished on the journey gleamed along its borders, and here and there was a low mound, showing where some cowboy had literally "died with his boots on." Occasionally a dilapidated wagon-frame told of a break-down, and spotting the emerald reaches on either side were the barren circle-like "bedding grounds," each a record that a great herd had there spent a night.

The wealth of an empire passed over the trail, leaving its mark for decades to come. The traveller of to-day sees the wide trough-like course, with ridges being washed down by the rains, and with fences and farms of the settlers and the more civilized red-men intercepting its track, and forgets the wild and arduous life of which it was the exponent. It was a life now outgrown, and which will never again be possible. . . . In 1871 nearly a million cattle were driven north. . . . But it was the height of the wave. . . . At the beginning of winter (1871-1872) came a storm of sleet, putting an icy coat over the sod; and multiplied thousands of cattle and hundreds of horses died of cold and starvation. . . . Abilene's prestige was gone. Ellsworth, forty miles farther west, became the shipping point on the Kansas Pacific. . . . Newton, where the road crossed the trail to Abilene, stopped many of the herds, and with Ellsworth divided the claim to the title Abilene had held for several years, "The wickedest town in the West." . . . It was of the new shipping point that another picturesque saying became popular, "There is no Sunday west of Newton, and no God west of Pueblo." . . . Soon after,

Dodge City, on the Chisholm trail's western offshoot to Ellsworth, being reached by the Santa Fé, took the more northern station's trade as Newton had absorbed Abilene's, and for twelve years was the acknowledged shipping center for Texas cattle in the State. . . .

. . . The season of 1891 saw the last of the bovine exodus that through more than two decades had furnished employment and profit for a large portion of the West's workers. Neither advantage nor convenience is now found in that method of marketing, and henceforth the only herds to wind their slow length over the once populous thoroughfares will be the young stock taken leisurely through the season from the warm climate of the Gulf region up northwesterly, skirting the foot-hills of the Rockies, to reach, after a six months' journey, the highland feeding grounds of Wyoming and Montana. A year or two later, they will go to market, sturdy and hard-fleshed beeves, ready for the export trade.

. . . Spring was the usual starting time, and during the seasons of the large drives, May, June, July and August saw almost a solid procession passing over the great trails. . . . A herd of a thousand beeves would string out to a length of two miles, and a larger one still longer. It made a picturesque sight. The leaders were flanked by cowboys on wiry Texas ponies, riding at ease in great saddles with high backs and pommels. At regular distances were other riders, and the progress of the cavalcade was not unlike that of an army on a march.

. . . At the start there was hard driving, twenty to thirty miles a day, until the animals were thoroughly wearied. After that twelve to fifteen miles was considered a good day's drive, thus extending the journey over forty or one hundred days. The daily programme was as regular as that of a regiment on the march. From morning until noon the cattle were allowed to graze in the direction of their destination, watched by the cowboys in relays. The cattle by this time were uneasy and were turned into

the trail and walked steadily forward eight or ten miles, when, at early twilight they were halted for another graze. As darkness came on they were gathered closer and closer into a compact mass by the cowboys riding steadily in constantly lessening circles around them, until at last the brutes lay down, chewing their cud and resting from the day's trip. . . .

No one could tell what caused a stampede, any more than one can tell the reason of the strange panics that attack human gatherings at times. A flash of lightning, a crackling stick, a wolf's howl, little things in themselves, but in a moment every horned head was lifted, and the mass of hair and horns, with fierce, frightened eyes gleaming like thousands of emeralds, was off. Recklessly, blindly, in whatever direction fancy led them, they went, over a bluff or into a morass, it mattered not, and fleet were the horses that could keep abreast of the leaders. . . .

Another danger was that of the mingling of two herds; while in the earlier days the presence of the buffalo was a decided peril. A herd of buffalo roaring and tearing its way across the plain was almost certain to cause a panic, if within hearing, and outriders were necessary to watch for these enemies, and turn their course from the trail. Besides marauding Indians were always to be feared, and many a skirmish was had between the cowboys and the redskins. . . .

Reaching the outskirts of the shipping station, the herd was held on the plains until the drover effected a sale or secured cars for shipment. Then the animals were driven into the stockades, dragged or coaxed into the cars, and were sent off to meet their fate in the great packing-houses. . . .

Much glamour and romance have been thrown around the figure of the cowboy. He was not the dashing and chivalric figure of the burlesque stage, in gorgeous sombrero and sash, nor was he the drunken, fighting terror of the dime novel. He was a very average Westerner, dressed

for comfort, and with the traits of character that his business induced. The cowboy lived a hard life. For months he never saw a bed nor slept beneath a roof. He seldom had access to a newspaper or book, and had none of society's advantages to lift him to higher things. The roughest of the West's immigrants, as well as many Mexicans, drifted into the business because of its excitement and good wages, and this class by its excesses gave the world its standard for all. . . .

The cowboy with his white, wide-rimmed hat, his long leathern cattle whip, his lariat, and his clanking spur is a thing of the past. The great Texas ranches are enclosed with barbed wire fences, and a genuine Texas steer would attract almost as much attention in the old cattle towns as a llama. Abilene, Ellsworth, Newton, and Dodge City are busy little cities surrounded by rich farming communities and with churches, schools, electric lights, and other evidences of modern civilization. No trace of the old life remains, except some weather-stained and dilapidated buildings, pointed out to the stranger as having been saloons where Wild Tom, Texas Sam, or other strangely named characters, killed men unnumbered "during the cattle days." But even these traditions are known to but few of the modern inhabitants, so entirely has a new people filled the land during the last decade.

C. M. Harger: *Cattle Trails of the Prairies*, in *Scribner's Magazine*, Vol. XI, pp. 732-742. 1892.

## B

To Old World ears it sounds not only strange but hardly credible, that you or I can to-day start for any of the three or four last named territories [Wyoming, Montana, Idaho, and New Mexico], pick out for our stock a good range for grazing, as yet unoccupied, drive onto it a herd of ten thousand cattle, select a suitable spot near to a convenient

creek, and there build our ranche or farmhouse, fence in fifty or a hundred acres for hayland, and, in fact, make ourselves entirely at home, disporting ourselves as virtual owners of the land, without paying one penny for it, or outstepping any territorial or United States statute, or doing what is not perfectly lawful. There is no trouble about title, deeds, surveyors and lawyers; possession is nine points of the law, and the tenth is that ever-present law-maker and law-breaker, the Colt revolver; for, unlike the miner, who says the tenth point is a bribe, the absence of all tribunals to decide disputes about land in these far-off, semi-wild regions, makes the revolver take the place of the less bloodthirsty bribe, in defending *vi et armis*, what you deem your own. Very naturally this state of things, existing only in so called "unsurveyed" districts, can only continue as long as the supply of vast plain lands available for grazing purposes last. Huge as Uncle Sam's possessions available for cattle ranges are, they are nevertheless approaching exhaustion. . . . The whole United States land must for this purpose be divided into two categories — the surveyed and the unsurveyed. . . . To the "unsurveyed" broadly speaking, Montana, Wyoming, parts of Idaho, Oregon, New Mexico and Arizona [belong]; the latter, on account of its sterile soil, of little value for stock raising. Here ownership rests with the first comer, until at a future period the territory is surveyed by Government officials, and the land mapped out and divided into districts, each coming under a Government district official. Those that have "located" previous to this period are left in undisputed possession, provided they have improved the land; that is, either cultivated it, fenced it in, or, as would be in the case of stock-raisers, have cattle of their own grazing on it. A nominal fee secures to the settler a Government title. . . .

If we examine the natural features of the Great Plains, we find that with very few exceptions no part of them will feed as many cattle, sheep, or horses to the square

mile as lands in the Eastern States or in Europe would; but the almost limitless area counterbalances this. The grasses of the Plains, of which the "gamma" and "buffalo" are the commonest, contain highly nutritious qualities. The former grows about six inches high, and has a single round stock with oblong heads; the other grows closer to the ground. The bunch grass, another kind, grows on "bluffs," and is the chief winter herbage. Their growth, beginning about the first of May, continues till the end of July, when the dry season commences; they then dry up, and are cured by the sun; and as the frosts, let them be ever so hard, do not seem to penetrate to the roots, or else do not harm them, they retain their full strength for the whole winter. To this must be ascribed the barren, verdureless aspect of the whole country in late autumn and winter, when strangers passing through can hardly comprehend how the countless herds not only subsist, but grow fat on this gray and withered-looking herbage. Nature has provided in many ways for her children; for not only can stock find ready shelter under the bluffs, and in the many small valleys and glens called pockets and gulches, and under the clusters of hardy cedars and spreading cottonwood trees which almost serve the purpose of barns and stables, but the high winds which prevail after every snow storm clear sloping ground in a marvellously short time from the snowy pall, driving it together in banks, and filling up depressions in the ground. Rarely does the dry and flour-like snow crust over, a process which for cattle means starvation if warm weather does not soon follow. . . . During the summer, autumn, and winter, the cattle roam at will over the Plains, and different herds, or parts thereof, mingle together, and perhaps wander for long distances from their home range. Very frequently single heads, separated most likely from their herds in a stampede, are found two hundred miles away. To collect these stragglers, and to take a census no less than to pick out the beeves for market, the annual "round up" is held.



At this period, falling in May and June, the whole country is searched, and the cattle appertaining to a district driven together in one vast herd, from whence the different ranchmen separate their own cattle, easily recognizable by the brand; and after a mutual exchange of strayed ones, each owner takes his herd back to their home range, and after branding the calves, turns them out loose, not to see them again till next year's "round up."

For each district, embracing many hundred square miles, and from ten to twenty ranges, a captain—generally one of the old settlers well acquainted with the country—is chosen. Under him work the stockmen—cowboys, or cowpunchers, as everybody connected with cattle raising is called—from the different ranches, numbering often seventy or more men, and two hundred or more horses, for each cowboy has at least three, and often as many as eight spare mounts with him on these occasions. The whole country, so large that it will take them one or two months to work it over, is laid out in daily rides. . . .

The round-up is a busy time for man and horse on frontier ranches. It is a period affording pleasant change to the cowboy, who the rest of the year is buried on his isolated ranche, often months without seeing a white man, and years frequently pass before the glance of a woman's gown makes his heart flutter. There is a wonderful amount of animated life, light-hearted merriment, and vigorous and healthful rivalry about one of these round-ups. They begin with a substantial breakfast, at which often half a steer divided among the different messes is used; the rising sun sees them in the saddle, a couple of lead animals on the line, galloping over the Plains in pursuit of those distant black specks, or ascending the dangerously steep slopes of a dismal "hog-back" hill, from which the higher ranges in the pine-clad mountains are reached. They usually do not return to camp till dusk, driving before them the cattle found by them that day, which, if it is in open country, will often be as many as

two hundred to the man; if broken and full of pockets and drars, or densely timbered ravines, perhaps not more than ten or fifteen.

W. Baillie Grohman: *Cattle Ranches in the Far West*, in the *Fortnightly Review*, Vol. XXXIV, p. 441 ff. 1880.

#### QUESTIONS

What rights of taking up ranching land did cattle men enjoy in the unsurveyed Territories? What, in the nature of the grasses of the Plains, made them good food for cattle all winter? What in the physical form of the Great Plains, made it possible for cattle to live on them without artificial protection all winter? What was the purpose of the round up? How was it carried out? What causes made Texas prominent as a cattle State in 1860? What outlet to the North for marketing cattle was found for her cattle herds? Describe the appearance of the cattle trails from Texas to Kansas? Why is this method of marketing no longer used? How was a herd marshalled for the trail? How rapidly was it driven? Describe the danger of stampedes? What change has come over the cattle towns of the West?

#### LVI

### A LATE PHASE OF THE SETTLEMENT OF THE WEST. THE OPENING OF AN INDIAN RESERVATION

The greatest of all the free land openings has been the last one—that is, the settlement of the Kiowa, Comanche, and Wichita Indian reservations in southern Oklahoma. This rush eclipsed even the notable Cherokee Strip opening of September, 1893, when 100,000 people populated a four-million-acre tract of such land in one day. This last chance for home-seekers proved a greater attraction than any previous opportunity extended to them by Uncle Sam. In consequence 165,000 people rushed to the border in their wild endeavor to gratify that great desire—getting something for nothing. Of this army just 152,000 failed in their ambition.

In accordance with a proclamation promulgated by the President on July 8, 3,712,503 acres of land in the Kiowa, Comanche, Apache, and Wichita reservations of Oklahoma were declared soon to be ready for homestead entry by whites. The new country is a part of Oklahoma, and its people are under the jurisdiction of that Territory. It is bounded on the north and west by Oklahoma, on the east by Indian Territory, and on the south by Texas. The Washita River and several small streams furnish an abundance of water. In the new country, besides the multitude of whites who have but lately invaded it, are three thousand Indians of the Kiowa, Comanche, Apache, and Wichita tribes. They have been each placed on an allotment of 160 acres, and, for the most part, the redskins are civilized. Geronimo, the noted Apache warrior, is among these Indians who have lately been made United States citizens. The new country is finely adapted to farming and stock raising; the climate is the same as that of North Carolina and Tennessee. Fruit of all kinds can be raised in abundance; there are no drouths, and the hot winds so common to the West come to this new country in a cooling breeze.

All kinds of people came to the opening, those who were disqualified by the officials hoping to cover up their defects somehow. Non-citizens of the United States, married women, unless deserted by husbands, minors, persons owning more than or even 160 acres of land, all were made to keep out of the drawing.

Offices opened at El Reno and Lawton on July 10. If you desired to try for a farm you went before a notary-public and filled out a blank which stated that you were qualified to homestead a tract of land. This was then taken to one of the booths, filed with a clerk, who gave you a certificate of registration, and you then had an equal chance with the thousands who drew for farms in the greatest of lotteries. You paid twenty-five cents, and you were qualified to draw a farm worth \$5,000 — some five times

as valuable. But it was a fifteen-to-one shot against your drawing anything.

The greatest rush was toward El Reno, on the line of the Rock Island Railway. That road carried from five to twenty thousand persons a day during the registration, July 10 to 26. From ten to fifteen excursions were run daily, with as many at night.

It was told me before I reached El Reno that the cowboys had taken the town. Water was said to be ten cents a cup, and ice impossible to buy at any price. I found plenty of both. Beds sold at a premium. Men and women alike sprawled in the dusty streets at night. Others leaned on a box against the side of houses and caught a few winks of sleep. . . .

Saloons did a rushing business. They flourished in tents and camp wagons. One man told me he had cleared \$500 a day during the rush. A small boy peddling lemonade, at "all you could drink for five cents," made from \$5 to \$15 a day. Sandwich men were thicker than either, and in the same class were men selling maps of the new country. Three thousand allotments had been taken by the Indians in the reservation, and every home-seeker was anxious to know the location of these tracts. Again, under the rules of the drawing, those who were prize-winners had to announce at once their choice of land, else they lost out. These maps purported to show the best farming-land, which, as a matter of fact, they did not. The wise element registered first, secured a permit to enter the reservation, picked out their own land, and returned to El Reno for the drawing. . . .

But the notary-publics did the best business of all the street merchants. They reaped a reward of \$50,000 from home-seekers. The uniform price for making out papers to register was twenty-five cents. Everyone who desired to register had to have the services of an Oklahoma notary. Old soldiers were allowed to file their papers by proxy, fifty thousand taking this advantage. Women whose hus-

bands had died, or who never were married, registered to the extent of thirty thousand.

I was in the rush for land in the Cherokee Strip when the run was made for land. In that hundreds of people fell beneath the mad racers, and were either killed or injured. In this opening no one was injured in the rush. In the previous openings the "sooner" took all the best land, but here the man whose name was drawn from the wheel of chance then secured a clear title to his farm. There were many commendable features to this rush. The lottery scheme was condemned by those who never witnessed a free land opening because it was a chance game, but it was the best manner of conducting the affair. . . .

No less than fifty thousand people stood in the hot sun on the first day of the great drawing at El Reno. Every man and woman who had registered was sure that his or her name had been placed in an envelope, and this envelope, which was a plain white one, had been placed in a large wheel.

It was a cheerful crowd. The women were restless, and anxiety and hope were plainly written on their faces. The first name drawn from the wheel was called out in a loud voice. A silence fell over the crowd. The lucky winner stepped forward and made his choice. He was offered a fabulous price for it by real-estate boomers, but he decided to keep it. Hope fell among those who remained, and the rush at the Rock Island station to get away was even more fierce than it had been to get into the country.

But the home-seekers stood the hardships without a murmur. It was useless to complain; they had seen life on the border; they had taken a chance in the greatest of lotteries, and that was something. To win a farm would have been worth much trouble; but as it was, no crowd was ever so willingly separated from its bank-rolls.

William R. Draper: *Harper's Weekly*, August 10, 1901, Vol. XLV, p. 805.

## QUESTIONS

Who were ineligible to take up homesteads in the reservation? How were the drawings of homesteads made? What advantage did the man whose name was drawn first have? Describe the scenes at El Reno.

## LVII

THE AGRICULTURAL DEVELOPMENT AND  
PROGRESS OF THE NATION

These two extracts offer, one of them, a statistical estimate of the development of American agriculture and the reasons for its development; the other, a graphic picture of those causes actually at work. These statements were written in the earliest years of this century and in this age of rapid progress many of their estimates must be taken as antiquated. Especially is this true of the statement as to the reduction of prices of agricultural produce.

## A

We now come to what is the largest agricultural nation in the world—the United States of North America. In spite of the immense development of manufactures, these States still hold a foremost place also in agriculture, and agriculture holds, too, a foremost place in their national wealth. . . . Even now the vast resources of the United States are only in a comparatively early stage of utilization, and agriculture is by no means carried on as a whole so scientifically as in Great Britain, nor is the product of the soil so great in proportion to the acre. The States, for instance, only produce twelve and one-half bushels of wheat to the acre as compared with thirty-three bushels in England, so that if farming was advanced to the same pitch as in England the soil of the States would be able to produce more than twice as much as it now does. At the same time the North American Republic has shown great skill in inventing and employing more machinery in the

operations of agriculture than is usually used in the kingdoms of Europe.

The period when agriculture in the States made the most rapid strides has been since the middle of the century. During the first half of the century the production of grain has increased with considerable rapidity, but increased after 1850 still more quickly. The total grain product in 1800 is stated to have been one hundred and sixty million bushels; in 1840 it was over six hundred million; in 1850 over eight hundred and sixty million; but in 1870 this last figure was doubled (one thousand six hundred and twenty-nine million bushels), and then in ten years more (1880) was more than trebled, being then over two thousand and seven hundred million bushels. At the close of the century the annual grain production is between three and four thousand million bushels, or eighty-nine million tons of grain, a truly colossal total.

Much of this increase has been due to the increase in the amount of land taken into cultivation, for, in the period between 1850 and 1880, the amount of improved land was almost doubled. It is a noticeable fact that although there are many farms in America of a size altogether unknown in Europe, the tendency has been for the average size of farms to diminish rather than to grow larger. Ever since 1870 the area of the land improved has been doubled, and farming has made great strides in the Pacific and Western States. This is only natural when we consider how the West has been opened up by railways, and how the modern facilities for cheap transport have enabled farmers almost to disregard distance when sending their produce to market.

It is in the West that these large farms are found; indeed the tendency seems to be for the Western and Southern farms to grow larger, while those of the Eastern and Middle States grow smaller. Certainly statistics show that in the Pacific States the number of acres per farm laborer has considerably increased (from forty-two in 1870

to seventy-three in 1890), while in the Middle States the number has grown less (from fifty-three to forty-three acres to each man). On the other hand, taking all farms together, we find that the number of laborers required is less in proportion than it used to be; and each laborer cultivates sixteen acres more than he did some thirty or forty years ago. This is probably owing to the greater use of machinery and to improvements in its construction. In fact, Mr. Carnegie states that improved implements and machinery have revolutionized American agriculture. Their value was estimated in 1830 at some thirty millions sterling, but in 1850 it had been already trebled. Its value now is not stated but must be enormous.

The widespread use of machinery in America is due to three causes; partly the scarcity of labor, which has necessitated greater economy in labor than is general in Europe; partly to the fertility of inventions among the Americans, a natural gift, which has been in this case well applied to the farmers' necessities; and partly because the American farmer is more ready to try new methods and take advantage of new ideas than his brother in Europe. It must also be admitted that the American agricultural class as a whole, is of a distinctly higher type than the European peasant, and is generally not only much better educated, but also more independent and advanced in his notions both of agriculture and of other things. There is also another cause for the wide use of machinery, and that is the nature of the land, which is fairly level over great stretches of country, so that machinery can easily be used thereon. . . .

Apart from hay, which is a particularly valuable crop, and for which the vast levels of much of the United States' surface are particularly well suited, we find that maize occupies the chief place, being the first among the grain crops. It is mostly consumed in the States themselves, especially for feeding hogs, but a great amount is also exported. The average maize production of the last few years has been well over forty million tons per annum,



whereas wheat alone only came to eleven million tons, though in some years both crops are two or three million tons more than these figures. Oats, too, are a heavy crop, generally being over seventeen million tons.

But in spite of the immense progress that has been made in the growth of crops, it would appear from recent figures that the cost of growing maize and wheat has exceeded the price obtained, and that there has therefore been lately a loss upon these two great grain crops. Mulhall makes out that in 1894 there was a loss of one hundred and eighty-three million dollars on maize; and it is evident that, if this is the case, either still further improvements must be made or that less of these crops can be grown. There has certainly been a reduction in the prices of all agricultural produce during the last fifteen or twenty years of the century, and about 1885 to 1890 it was often asserted by those who studied the matter that the acreage under wheat at least must in time decrease. But this does not appear to have been the case, as the figures still show that the wheat area is no smaller, but rather larger, than it was.

It must be remembered that only a very small fraction of American grain is grown for export, and that wheat or maize which might sell at a loss in the open market is by no means necessarily a loss to the farmer who can use it on his own farm for feeding purposes. It is perhaps one of the most remarkable facts of American agriculture that, after all, in spite of the enormous quantities of grain that find their way over the sea, the total export of this commodity only represents one-twelfth of what has actually been raised in the country. So that, even if the export trade fell off, the American farmer would have an excellent market at home without troubling himself about the foreign buyer.

But if we turn to that typical product of the Southern States, cotton, we find that there we have a commodity of which by far the greater portion is grown for export ex-

clusively. We have in an early chapter given some idea of the vast increase which the cotton export has attained during the century; and it is indeed marvellous to recall this immense growth from very small beginnings. Not much more than a hundred years ago, in 1784, a small quantity of cotton was imported into Liverpool, where (we are told), "it was at first considered an illegal transaction, as it was not supposed possible for it to have been the growth of any of the States of the Union; and when, about the same period, a duty was proposed in the United States Congress upon the import of foreign cotton, it was declared by one of the representatives from South Carolina, that the cultivation of cotton was in contemplation by the planters of South Carolina and Georgia, and that if good seed could be secured it might succeed."

These modest words, "it might succeed," sounded a very few years later almost ludicrous. Already by the year 1830 the crop was not very far short of a million bales, and by the year 1880 it was over five million bales, valued at fifty-five million pounds sterling (English). Or, if we take it by weight, during the latter part of the century, we see again what a great advance this industry of cotton growing was made. The annual average from 1867 to 1871 was six hundred thousand tons; ten years later (1877-1881) it was one million and one hundred thousand tons; ten years later (1887-91) and it was just a million tons more than it had been twenty years previously, for it had reached one million six hundred thousand. The figures down to 1896 show an average of one million eight hundred thousand tons annually.

The export statistics show a similar increase. From four hundred thousand tons in 1867-71, they rose to more than double that number in 1882-1886, being then eight hundred and eighty thousand, while the figures to 1896 show that one million two hundred thousand tons were being then exported every year. This leaves about six hundred thousand tons for home use, and this is used in

the American factories. Thus we see that at the close of the century the cotton used in the American mills is just about equivalent to the amount that was sent abroad about the year 1870. In other words, America sends away about two-thirds of her total cotton crop, and retains one-third for her own manufactures. It is curious to notice that, though these cotton manufactures have increased very greatly in importance of late years, yet the proportion of cotton used in them—namely one-third—is exactly the same as it was thirty years ago.

The value of the cotton crop is of some interest. It is now about two hundred and seventy-five million dollars annually, or fifty-five million pounds in English money—which is not much more than the value about 1870, and almost exactly the same as the value in the period 1871-1876, although the crop is now so much larger. This is due to the fall in prices that has taken place in recent years, so that in every department of agriculture we find the figures of value a very unsafe guide; and it is better to go exclusively by the quantity of the various crops. What is perhaps rather surprising to the ordinary reader is the fact that now, at the close of the century, the value of the hay crop is nearly double that of cotton. The average value of hay in late years has been four hundred and seventy-eight million dollars; but then the crop is very much heavier than the cotton crop, being over five million tons as compared with rather less than one and a quarter million. The Pacific States it may be noted give what is the heaviest hay crop to the acre in any country, except Ireland.

The live stock of the great Republic is enormous. We might call America both the granary and the butcher's shop of the world. Yet the millions upon millions of horses, cattle, sheep, pigs and fowls now possessed by the American have nearly all become his property during the present century. The beginning of our period showed a comparatively small amount of live stock. In 1810 there

were only three hundred thousand horses, six hundred thousand cattle and as many sheep; and of other animals we have no exact record. But the next thirty years saw a wonderful increase, and the live stock certainly grew and multiplied with great rapidity. In the year 1840 they were no longer counted by thousands but by millions. There were then over four million horses and nearly fifteen million cattle, over nineteen million sheep and twenty-six million pigs.

Forty years later, the increase still continued. In 1880 there were over ten million horses, nearly thirty-six million cattle, thirty-five million sheep, and forty-seven million pigs. In that year it could be said as Mr. Carnegie puts it in his glowing volume—though his figures do not quite agree with other authorities—that “if the live stock on Uncle Sam’s estate were ranged five abreast, each animal estimated to occupy a space five feet long, and then marched round the world, the head and tail of the procession would overlap.” The same author remarks: “This was the host of 1880; that of 1885 would be ever so much greater, and still it grows day by day, and the end of its growth no man can foretell.”

In this, however, he was wrong. The progress of pastoral industry in the United States, marvellous as it has been, seems in the closing years of the century to have been checked. That the check is only temporary we may well believe; but still the fact remains that the previous increase has not gone on. The figures of 1897 were large enough certainly, but they were a good deal less than those of 1890. The number of horses was about the same (sixteen millions) but the cattle were quite six million less (forty-six as against fifty-two million), and the sheep eight million less (only thirty-six as against forty-four million), while the pigs had suffered a loss of eleven million (being only forty as compared with fifty-one million). The ratio of cattle to population has thus fallen nearly twenty-three per cent since 1890, and is even below the level of twenty

years ago. Reducing all live stock to a common unit, we may reckon that there is now an equivalent of some seventy-five million head of cattle in the Republic, which is much less than there was in 1890, and about the same as in 1886. But it is estimated that the pasture available in the United States could easily carry double this amount of stock, and Mulhall calculates that, if an increase once more begins, the number of live stock may easily rise to an equivalent of one hundred million of cattle in the early years of the twentieth century. In this equivalent six sheep or pigs count as one head of cattle. In the six years 1880 to 1886 the live stock showed the remarkable increase of thirty per cent, so that under favorable conditions, and with more inducements to breeders, the hundred million might very soon be reached.

A great factor in the past increase of live stock has been the immense export trade in both live and dead meat; for the modern inventions of science have made it possible for meat and live cattle to be transported across the ocean in a few days, by the aid of steam, while the various freezing processess have enabled buyers to keep the meat almost any length of time to suit the convenience of the market. In view of the remarkable change in the conditions of the food market of the world thus brought about by the inventions of the nineteenth century, one cannot help feeling that a new era has dawned upon the earth. There cannot be, at least in any period of time which the readers of these pages are likely to behold, any such fear of death and scarcity which prevailed earlier in the century. . . . If the nineteenth century were remarkable for nothing else, it would be famous as the century which has thrown open the great storehouses of food to the hungry multitudes, and has relieved the crowded cities and countries of Europe from any fear of a deficient food supply. And this has been accomplished not only by the progress of agricultural science itself, but by the help given to agri-

culture by the steamship, the railway, the tin can, and the freezing machine.

H. deB. Gibbins: *Economic and Industrial Progress of the Century*, pp. 405 ff. Bradley-Garretson Co., Brantford, Ontario, 1903.

## B

During the past generation a vast number of the small farmers of New England and the older sections of the United States were practically forced out of business by the development of the great farms in the West and Northwest. The hilly lands of the East, frequently rough and stony, and always cut up into small farms, proved unable to compete with the vast areas of level ground, cultivated and harvested in a wholesale manner by a class of machines that could not possibly be employed on small farms or on rough ground. Owing to these vastly different conditions, the methods of farming are totally different in the West from those prevailing in the East, and the growing of heavy crops, such as wheat and hay, are left almost wholly to the great Western farms, while the small farms of the East are in many cases reduced to farming for local consumption only, to raising of truck or vegetables for the cities near by, and also to the raising of small fruits, especially apples, peaches and grapes, or the growing of tobacco.

An idea of the vastness of some of the Western wheat farms may be gained from the statement that the Mitchell farm, in San Joaquin Valley, California, comprises 90,000 acres; while the Dalrymple farm in North Dakota, is not far behind, with 70,000 acres. The latter farm has employed as many as 300 binding reapers to harvest its wheat crop. Near the town of Clovis, Fresno County, California, is a wheat field containing forty square miles. As the ground lies almost in an exact square, it presents in the season just before harvest the appearance of an endless sea of waving grain. . . .

If a single man were to undertake to plow such a field in the old-fashioned way, it would require sixteen years for him to complete his spring plowing, as much longer to do the harrowing, and, if he were fortunate, he might finish sowing the seed before he died; but, though the preparing and sowing would occupy one man's lifetime, 300 modern steam harvesters and threshers can make comparatively short work of the harvest in even an enormous field such as this. One of these machines with a 26-foot cutter is expected to do seventy-five acres per day. . . .

On the large level farms of the great West plowing is never done with a single horse and plow, as in the East, but the plows are set in gangs and driven by great traction steam-engines. When the field is fairly well softened the wheat plowing can be done with gangs of rotary plows, these having cupped discs set at an angle and weighted so as to sink into the soil. . . . The use of the traction engine instead of horse-power renders possible the employment of reapers and harvesters of great size with cutting power of unusual strength.

The machines employed are, as far as possible, arranged in combination, so that the labor of a few men may accomplish a great deal of work. For instance, a traction engine may be arranged to draw a line of plows, while hitched immediately in the rear is a row of harrows, and behind these are a drill for sowing the seed and rakes for covering it. In the reaping operation the traction engine draws mechanism that not only heads the wheat, but also threshes it, cleans it, and puts it into sacks at a single continuous operation. . . .

The wheat crop of the United States for 1902 was valued at \$422,000,000, of which about one-third was exported, either as wheat or flour. As the yield per capita is smaller than it was some years ago, the conclusion is that after another generation we may cease to be exporters of wheat, requiring all our crop for home consumption. Improvement in wheat cultivation has been less marked

than with corn. The farmers in many cases seem to raise it on land that they do not know what else to do with, and the average yield, under an average lack-of-system tillage, is but thirteen bushels per acre. When it is remembered that well-tilled land can be made to produce thirty bushels per acre every year, it becomes very apparent that there is a great work to be done in this country in reforming the present slack methods of wheat growing. Our agriculturists have been giving their attention to developing wonderful planting and harvesting machines, but have generally neglected high tillage, which is essential to large crops. The Department of Agriculture is doing good work in calling attention to this condition of affairs. . . .<sup>1</sup>

The development of American farming is very much owing to the wise expenditures of the Government in the maintenance of an Agricultural Department, and various agricultural colleges and stations for scientific study of the problems that confront the tiller of the soil. Some fifty-five million dollars have been invested in buildings, apparatus, machinery, libraries, and equipment for these institutions, which have a total income of over six million dollars a year. Our agricultural colleges now contain over 30,000 students, of whom over 4,000 take special courses in agriculture.

In breeding plants the most recent theory is to discard novelty and to seek to increase the efficiency of the special plant under experiment; as, for instance, in the case of corn, the endeavor would be to cross varieties in a way to strengthen resistance to drought or to increase its starch contents. It is not the beautiful form of an ear of corn that determines the value of a variety so much as its food quality and its resistance to disease. . . .

The study of new varieties of crops has resulted in a number of successes, and most noteworthy among them is

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<sup>1</sup> The paragraphs in this selection have been slightly rearranged for greater clearness.



that of importing the Australian saltbush. This was originally sought in order to redeem the semi-arid lands of the West, and it was found that it rendered available for grazing thousands of acres that were previously considered worthless. . . .

In testing varieties of small fruits and vegetables, and in studying practical methods of improving them, the agricultural stations have aided greatly in building up horticultural science. The work of the experts and students at the stations is very largely added to by the thousands of co-operative agricultural experiments undertaken by farmers, who are interested in the work of the stations. The agricultural stations furnish plans of work for these, and all the seeds, fertilizers, fungicides and other materials required, and also assist the farmer with any required data as to the nature of his soil and what it may require. In return for this the farmer usually gives the use of land and labor, which is of benefit to the station.

The dairy farmers have received a great deal of assistance from the agricultural department; the constituents of milk have undergone a great deal of study; also methods of feeding cows and determining the amount of fat and other ingredients of the milk, the investigation having also extended into the dangers of milk infection, as in the case of tuberculous cows, and effective work has been done along the lines of pasteurization as well as in methods of sterilization. The use of cultures in butter-making and cheese-making, as undertaken in the ripening of cheese, have also furnished fertile fields of work.

As our population increases it is evident that there must be a curtailment of the land now devoted to grazing animals. The cattle range is located where the land is of trifling value, but as values increase it is necessary to confine animals to smaller areas. The agricultural stations have proven that a farm animal can be kept on about one-tenth of the land used in cattle ranges, by correct methods of preserving herbage for its use. Green cattle foods can

be preserved, by the use of the silo, in a state that is almost as valuable for future consumption as at the time they are cut. The stalks of Indian corn and sorghum and other green forage crops are all nutritious and good to be used as cattle foods if they are properly intermixed with other foods.

When it comes to the question of feeding the greater population that will occupy our land fifty or one hundred years to come, the agricultural student meets the point by demonstrating that whereas the present average yield of wheat to the acre in the United States is about thirteen bushels, and that of Indian corn about twenty-seven bushels, with proper attention to feeding the soil scientifically, the production of wheat can be increased three or four times, while that of Indian corn can be considerably more than doubled.

C. H. Cochrane: *Modern Industrial Progress*, p. 209 ff., J. B. Lippincott Co., Philadelphia, 1904.

#### QUESTIONS

Compare the efficiency of farming in the United States with the efficiency in Great Britain. Give a statement of the increase in grain production in the United States in the nineteenth century. How far is this traceable to increase in area of farm lands? How has agricultural machinery reduced the number of agricultural laborers to the acre? What have been the reasons for development of such machinery in the United States? How does the American agricultural laborer compare with the European? What proportion of the cereal crops of the United States are grown for export? Trace the development of the cotton industry in the United States. Is the cotton crop important for its actual value as compared to that of other crops, or for the great foreign market it commands? Sketch the development of stock raising in the United States. What was the tendency between 1890 and 1897? Have we reached the limit of our pasturage if it is properly used? How have modern inventions made the exportation of meat products possible?

Why have the old settled sections of the country been unable to compete with the Great West in raising grain? To what crops are

they turning? How large are some of the wheat farms of the West? On what scale is machinery applied to its cultivation? How is the Department of Agriculture with the experiment stations and the agricultural colleges engaged in increasing the product of the land? How do the experiment stations coöperate directly with the farmer? What work is being done in the introduction of new crops? The advancement of dairy science? How is it hoped that the meat supply of the country may be provided by cattle raised on land areas smaller than those of the old cattle ranches?

PART XI  
INDUSTRIAL PROGRESS AND ORGANIZATION  
LVIII  
GENERAL INDUSTRIAL PROGRESS OF THE  
COUNTRY

But the manufactures even of these two last named great industrial nations<sup>1</sup> pale into insignificance compared with those of another and more formidable competitor for the world's custom. The greatest manufacturing nation of the end of the nineteenth century is not to be found in the Old World but the New. It is to the United States of America that this proud position must be assigned. Writing in 1887, Andrew Carnegie, himself a typical example of a great industrialist, said in his book, *Triumphant Democracy*, "No statement in this book will probably cause so much surprise as that the young Republic, and not Great Britain, is to-day the greatest manufacturing nation of the world, for she is generally credited with being great only in agriculture." If this was true in 1887 it was still more true in 1897, and as years go by it will lose none of its actuality. . . .

Of course it must be remembered that the United States have been singularly favored in manufacturing industries. Their position itself, far removed from any competitors, is a great help to their manufactures, even though the European makers have had a start in supplying the American market. Then again they have the advantage of learning from the English all the inventions and discoveries which created the industrial revolution which began in the eighteenth and has gone on so rapidly in the nineteenth century.

<sup>1</sup> Germany and England.

They did not, like the English, have to learn all these things as best they could, by experience that was often costly, but they were able to see at once the best English and European inventions and to profit thereby. They were able to pass rapidly over the first years of toilsome experiment, and step at once into the ripe experience of European mechanics and engineers. True, the American manufacturer had the brains to assimilate rapidly the experience thus gained by those others, and even to improve upon it, but those who so glowingly describe American progress — which is indeed magnificent — must not forget that it would hardly have been possible but for the example and experience which lay before them in the old country of England.

Nevertheless, making all allowances, the growth of manufactures and of mining in the United States has been most remarkable, not only in textiles and in hardware, but also in many minor industries. Much of this increase has been due to improved methods and the utilisation of modern machinery, so that the annual product of each manufacturing operative has risen to a proportion altogether beyond that usual in European countries. Taking textile industries first, we find that the manufacture of cotton has proceeded by leaps and bounds, and although it does not quite rival that of Great Britain even now, the figures of its progress show how steadily the American cotton manufacture has extended. In 1830 the consumption of cotton in the United States was fifty-two million pounds (weight); thirty years later it was almost eight times as much, and in 1870 was quite ten times the former figure (five hundred and thirty million pounds). Or again, if we take the consumption of fibre, which is perhaps the fairest test of textile progress, we find that the United States use in their cotton mills about six hundred thousand tons of cotton annually, as compared with seven hundred and ten thousand in Great Britain. We do not find, however, that there has been such a rapid increase since 1880, as there was

before that time, for, of the total American cotton crop of 1897, about thirteen hundred million pounds weight was retained at home as compared with a thousand million in 1881; but as the total crop of 1897 was a thousand million pounds heavier than that of 1881, the proportion retained for home use was really not so great.

In the same way the American woollen trade has progressed very greatly, especially between 1860 and 1880, during which period it increased threefold. In 1880 the United States manufactured not very much less wool than the United Kingdom (three hundred and twenty million pounds in the States, as compared with three hundred and thirty-eight million in the British Isles); but at the end of the century we find that the States have exceeded England in their annual consumption of wool fibre, for they use two hundred and seventy thousand tons of wool, as against the British total of two hundred and thirty thousand. We also find that the carpet trade, which is of comparatively recent origin in the States, has developed very rapidly, and it is noticeable that in this, as in many other textile industries, the Americans have been able to secure the services of many skilled operatives, who have left the mills of the Old Country to proceed to those of the New.

But of all the list of American manufactures, perhaps the most surprising progress has been made in iron and steel. Here again it is only in the last half century that the United States have come forward as great producers of these metal wares. Indeed, by far the greater portion of the progress made has been the work of the last thirty years. In 1870 there were only sixty-four thousand tons of all kinds of steel made in the States, of which only forty thousand were Bessemer steel, and the States ranked much below France and Germany in the manufacture of this article. Yet ten years later they produced more than both these countries put together, and as early as 1882 the produce of steel was one million two hundred and fifty thousand tons. At the present time the United States head

the list of steel-producing countries, producing over six million tons annually, as compared with three million eight hundred thousand tons in Great Britain and about two million in Germany.

But the States do not export by any means so much of this article as does Great Britain, for in 1895 the value of British exports of hardware was five times more than those of the United States, and it is evident that most of the American hardware products are consumed in the States themselves. But after all, the metallic industries of America are only in their infancy, for no country in the world seems to contain such vast stores of iron ore and of coal, and these enormous resources have as yet been only partially developed. If full advantage were taken of them there is very little doubt that even the present pre-eminence of America in this department would become more and more strongly marked.

It is impossible in the space at our disposal to mention separately every manufacturing industry, but we may point out one or two, which may be regarded as typical of the country, and may also call attention to certain features which appear in nearly all branches of American industry. Thus one industry, peculiarly American, which the States share in common with Canada, is the timber or lumber trade, to which the vast forests of the great continent naturally attract a large share of industrial energy. The three States in which the timber is chiefly cut are those of Michigan, Wisconsin, and Minnesota. It seems to be impossible to give accurate statistics of the amount of timber cut, or the area devoted to forests, but those of the South are said to be four times as great as the forests of the three States just mentioned, and other forest areas are being opened up in Washington Territory, Oregon and Northern California. Mr. Andrew Carnegie points out that there are vast regions in America where the raising of timber is the only cultivation possible, and others where trees can be more profitably grown than anything else. So that there

need be no fear as to the diminution of available timber of the destruction of the forests. We need hardly in this place say much about the varieties of American timber. They are now well known in every civilized country. Many million feet of ash, maple, mahogany, walnut, oak and less known varieties are exported from every American port. . . .

Nothing is more striking in the record of American progress than the success with which the citizens of the great Republic have entered upon branches of manufacture with which they were previously unfamiliar. A striking example of this is to be found in the making of watches. It is not very long since, as Mr. Carnegie points out, that nearly every watch carried by an American was imported. The chief seat of watch manufacture was in Switzerland, where labor was cheap and where watches were made by hand, either in the homes of the workmen themselves, or in small factories. But the inventive skill of American citizens discovered methods by which watches could be made in large factories by the use of machinery for every part, and the result is that watches are now exported by the States in enormous numbers to every nation in Europe. They are produced so cheaply by machinery that it has become impossible for mere manual labor to compete with them, at any rate in the cheaper grades; yet wages are higher in America than in any European country, and it is only the superior skill of the workmen and their ingenuity in invention which has enabled them to achieve so much success.

Another good example of American ingenuity may be seen in the manufacture of boots and shoes, although this particular branch of industry has long been established in the States, and is by no means so recent as that of watches. But here to quote the words once more of the author of *Triumphant Democracy*, "Machinery seems to have reached its culmination. The human hand does little but guide the material from machine to machine; and the ham-



mering, the stamping and sewing are all done by the tireless energy of steam. It is no fiction to say that men put leather into the machine at one end, and it comes out a perfect fitting boot at the other. By means of such a machine, a man can make 300 pairs of boots in one day, and a single factory in Massachusetts turns out as many pairs yearly as thirty-two thousand bootmakers in Paris. The old-fashioned cobbler is as surely doomed to extinction as the New Zealand Maori."

This industry also illustrates a noticeable feature in all American manufacture, and that is, the concentration of manufactures into fewer hands than before. There is a growing tendency to the extinction of the smaller makers. It has become more and more the rule for all kinds of industries to be carried on in works of enormous size, controlled by individuals or companies possessing enormous capital. A similar tendency, as is well known, is seen, not only in the production of goods, but also in their distribution; smaller capitalists and smaller factories are swallowed up by the large wholesale concerns, and the small tradesman or merchant has to give way to the large wholesale company.

We can hardly leave the subject of manufactures without some brief notice of the closely allied department of mining and minerals. Like the old country of England, the United States possess coalfields of great value, but their extent far surpasses that of the little Mother Country. It is said that the United States coalfields cover an area of three hundred thousand square miles, as compared with twelve thousand square miles in Great Britain, and these enormous resources have been developed with amazing rapidity in the last twenty years. In 1880 there were about seventy million tons of coal raised in the United States, but ten years later, just double that quantity; and in 1896 no less than one hundred and seventy million tons were raised. Going back to 1870 we find the amount raised was only thirty-three million tons, so that in a quarter of a century

the output of American coal has increased four hundred and twenty per cent.

Much of this comes from Pennsylvania, which also possesses valuable deposits of anthracite, which are of remarkable thickness, being in some cases more than three thousand feet through. . . . We have already referred, under the heading of manufactures, to the immense quantities of iron produced in the republic, and taking pig-iron as our standard, we find that in twenty years, 1877-1898, the amount produced rose from two million to more than eleven and a half million tons, an increase of nearly six-fold. . . .

The discovery of natural gas is thus described by an American author: "A company was drilling for petroleum in Murrys ville, near Pittsburg (in 1880). A depth of 1,320 feet had been reached when the drills were thrown high into the air, and the derrick blown into pieces and scattered around by a tremendous explosion of gas, which rushed with hoarse shriekings into the air, alarming the population for miles around. A light was applied and immediately there leaped into life a fierce dancing demon of fire, hissing and swirling around with the wind, and scorching the earth in a wide circle around it. Thinking it was but a temporary outburst preceding the oil, the men allowed their valuable fuel to waste for five years. Coal in that region cost only two to three shillings per ton, and there was little inducement to sink capital in attempts to supersede it with a fuel which, though cheaper, might fail as suddenly as it had arisen.

"But as the years passed, and the giant leaped and danced as madly as at first, a company was formed to provide for the utilisation of the gas. Boring began in other districts, and soon round Pittsburg were twenty gas wells, one yielding thirty million cubic feet a day. A single well has furnished gas equal to twelve hundred tons of coal a day. Numerous lines of pipes, aggregating six hundred miles, now convey the gas from the wells to the manufac-

turing centers of Pittsburg and Alleghany City and their suburbs. At present gas wells in and around Pittsburg are so numerous as to be counted in hundreds. The number of companies chartered to supply natural gas in Pennsylvania up to February 5, 1884, was one hundred and fifty, representing a capital stock of many millions. Since that date numerous other charters have been granted. More than sixty wells have been drilled at Erie, Pennsylvania. Gas has also been found in small quantities in the States of Ohio, West Virginia, Kentucky, Indiana, Illinois, Alabama, Kansas, Dakota and California. It is used for manufacturing purposes upon a small scale in eight towns in New York, in twenty-four towns in Pennsylvania, and in five in Ohio, but so far the region round Pittsburg is the only one in which the much-desired fuel has been found in abundance."

Another phenomenon of the same nature as this extraordinary outflow of gas is the flow of natural oil or petroleum. Before the natural oil was discovered, petroleum was distilled from coal and the price was as much as eight shillings a bottle when used, as it often was, for medicinal purposes. But the existence of natural oil was known to the Red Indians of America, who found it oozing out from river banks, and floating on the water, whence they collected it by means of blankets and used it for mixing with their war-paint. In 1859, a company was formed in Pennsylvania in order to bore for the sources of this product, and many other companies followed this example. In some districts the yield was most enormous, and it became impossible to collect in barrels all that poured forth, and often it was allowed to run to waste as being of little value. A well sunk at Oil Creek, Pennsylvania, in 1859, gave a thousand barrels daily, but the very next year there were two thousand wells at the same place, seventy-four of which gave fifty thousand gallons daily. Down to 1889 more than three thousand wells had been dug in the States, and though only about one well in five struck oil, the total prod-

uct in thirty years, since the discovery in 1859, reached the enormous total of fifteen thousand million gallons. In 1896, the United States raised more than two thousand million gallons and the rate of production has been increasing year by year, and shows no sign of diminishing. In order to bring this copious supply more easily to the towns on the Atlantic coast, and to the seaports for the purposes of foreign trade, American ingenuity devised a system of conducting it in pipes like water. About a third of the total produce is thus brought down to the coast and exported.

H. deB. Gibbins: *Economic and Industrial Progress of the Century*, pp. 453 ff. Bradley-Garretson Co., Brantford, Ontario, 1903.

#### QUESTIONS

What advantage has the United States enjoyed in the rapid development of her manufacturing industries? How have our wool and cotton textile industries grown as compared with Great Britain's? In what period has the increased production of iron and steel in the United States been most marked? What natural advantages in this line of production does the United States possess? How have American methods revolutionized the watchmaking industry? The boot and shoe industry? Describe the discovery and development of natural gas in the United States. Of petroleum. It should be noticed that this account was written at the end of the last century, or at the beginning of this, and that a good many changes have occurred since that time, most notably in the supply and use of natural gas.

### LIX

#### HOW A BIG MODERN BUSINESS IS ORGANIZED

This illustrates at least one of the causes for the advance of American manufacturing in the past few years—careful and thorough organization with a view to doing every piece of work as cheaply and as efficiently as possible. The action of the Carnegie Steel Company in gaining control of the sources of its

raw materials had an object not primarily connected with the search after efficiency; the purpose was to prevent other persons or corporations from starving it out by monopolizing the supply of ore of a certain essential kind, or the supply of coking coal or of other materials. Another factor in the efficiency of the Carnegie Company was the crushing of the labor unions in its plants with the result that the employ  s could not protest as a body against what they might consider low wages or improper conditions of work. The Carnegie Company represented efficiency through organization at its highest pitch. It is an open question whether the Steel Trust which absorbed the Carnegie Company, or in fact whether many other trusts really produce goods as cheaply as they could be produced by smaller concerns under a system of competition. This is a very big and difficult question and probably there is no one rule that can be everywhere applied. At all events, this selection shows us the methods of growth of the big concern.

The manufacturing companies which were originally merged into the United States Steel Corporation may be divided, on the basis of their products, into two classes. The Carnegie Steel Company, the Federal Steel Company, and the National Steel Company were large producers of steel billets, ingots, bars, plates, and slabs — products not yet in their final form, and constituting the materials for other branches of the iron and steel industry. The second group, including the National Tube, American Steel and Wire, American Tin Plate, American Steel Hoop, and American Sheet Steel companies were, as their titles indicate, producers of finished steel goods. They obtained most of their materials from the primary producers of steel, and converted them into wire, pipes, tin-plates, sheets, cotton ties, and structural material. . . .

In 1882, the Carnegie Steel Company (then Carnegie, Phipps and Company) had inaugurated a policy whose object was to control all the factors contributing to the production of steel, from the ore and coal in the ground to the steel billet and the steel rail. The purchase of a controlling interest in the stock of the H. C. Frick Coke Com-

pany, the largest owner of coal-lands and the largest producer of coke in the Connellsville region, insured to Carnegie, Phipps and Company, besides a majority share in the earnings from the sale of coke in the open market, a supply of coke at prices so close to the cost of production as in later years to be a matter of legal complaint from the minority stockholders. In 1899, the Frick Coke Company owned fully two-thirds of the coal remaining in the Connellsville region. The Carnegie Company also leased 98,000 acres of natural-gas land in western Pennsylvania, and purchased valuable limestone quarries in the Pittsburgh district, securing by these several purchases, an independent supply of fuel and fluxing material, and adding to the earnings of their steel-mills the profits on the production of these materials. . . .

The Carnegie Company was also active in obtaining control of its ore supply and its transportation facilities. By the purchase, in 1896, of a five-sixths interest in the stock of the Oliver Iron Mining Company, which controlled large ore deposits in the Gogebic and Mesaba ranges — holdings which have since been greatly increased — and by a fifty year contract, made in 1897, with the Rockefeller iron mining and transportation companies, by which the Carnegie Company agreed to pay a royalty of \$1.05 per ton for a yearly supply of 1,500,000 tons of soft ore delivered on shipboard, and a further maximum payment of 80 cents per ton for the transportation of this ore to the lower lake ports, the Carnegie Company secured an abundant supply of both hard and soft ores at prices which were not only more stable than those of the open market, but which were lower than the prices paid by outside companies. The Carnegie Company also purchased a controlling interest in the Pittsburgh Steamship Company, owning, in 1900, 11 steamships and 2 tug-boats, with 6 additional steamers under construction.

It also secured control of the Pittsburgh, Bessemer and Lake Erie Railroad, extending from Conneaut, Ohio, where

large docks were built and ore-handling machinery installed, to the Carnegie mills at Duquesne. This railroad was re-ballasted with cinder from the blast-furnaces, and relaid with 100-pound rails. The equipment was replaced by the first steel cars used in the United States, and by the heaviest engines. Through these improvements, the cost of transportation was reduced to 1 mill per ton mile, the lowest cost, with one exception, of any railroad in the world. The ownership of an ore fleet made the Carnegie Company independent of the wide fluctuations in lake rates, and their control of the railroad gave them transportation at cost; for the Pittsburg, Bessemer and Lake Erie Railroad, until 1900, had paid no dividends. . . .

By the close of 1897, the Carnegie Company was almost completely self-sufficient in all the factors of production. The profits which competitors added to their costs were added to its earnings; and the possession of these advantages, along with the admirable equipment of its furnaces and mills, gave to the Carnegie Company the foremost position in the iron and steel trade of the United States, if not in the world. . . .

. . . The Carnegie Steel Company owned the most complete, the best-equipped, and the best-managed steel plant in the United States. . . . No one of its rivals was worthy to be compared with it in point of self-sufficiency of production. This equipment supplied ore and fuel to the mills which were grouped so closely about Pittsburg that the president of the company was able to visit some department of each mill on successive days. . . . All these plants were connected by the Union Railway, with thirty-nine miles of track, which in turn connected with the Pittsburg, Bessemer and Lake Erie Railroad to the north. This arrangement of mines, coke ovens, and mills was the most favorable that could have been devised for economical production.

The mills of the Carnegie Steel Company were concentrated at the point of largest present advantage, where ma-

terials could be most easily assembled, and from which the largest markets could be most easily reached. It was this fact of concentration even more than their superior facilities which gave to the Carnegie Company their most pronounced advantage. The mills of their rivals were too widely scattered. Their location ante-dated the recognition of Pittsburgh as the natural seat of the iron and steel industry. For example, the plants of the National Steel Company were at Youngstown, Columbus, Bellaire Mills, and Mingo Junction in Ohio, and at New Castle, Sharon, and Uniontown in Pennsylvania. All of these plants could not have equal advantages in obtaining materials, and no one of them was so well situated as the mills at Pittsburgh. The plants of the National Tube Company were even more scattered, and those of the American Steel and Wire Company were distributed over the whole face of the land.

A grant of land, a cash bonus, ten years' exemption from taxation, a local connection, any one of a number of causes entirely disconnected from considerations of economic production, had determined the original location of these plants. . . . The plan of concentration on Neville's Island, which the American Steel and Wire Company had already begun to execute, was an evident recognition, on their part, of the superior economy of concentrated production, in power, in labor, in superintendence, and in the provision of materials. Mr. Carnegie had anticipated his rivals by twenty years. All the benefits of centralization which they were striving for, he had long since achieved.

The advantages of the Carnegie Company did not stop here. Their mechanical equipment was superior to that of any other mills, and their business was the best managed of any in the country. . . . The superior equipment of the Carnegie works was the result of a policy of large expenditure upon betterments persistently pursued for many years. "Every new process and every new machine which would in any way increase the efficiency, reduce the cost, and improve the product of the Carnegie Company



has been adopted, until this great concern has raised the physical condition of its mills to a point which is unsurpassed." Dividends had never been considered by the management. Improvement had been the one thing thought of. During the years 1898 and 1899, the Carnegie Company expended out of earnings upon new construction and betterments no less a sum than \$20,000,000. The nature of this policy of the investment of earnings in improvements may be illustrated by a comparative statement of the equipment of the Homestead mills in 1890 and 1898:

## 1890

1. Two 5-ton Bessemer converters.
2. Seven open-hearth furnaces—one 15-ton, four 20-ton, two 35-ton.
3. One 28-inch blooming-mill.
4. One 23-inch and one 33-inch train for structural shapes.
5. One 10-inch mill.
6. One 32-inch slabbing-mill for rolling heavy ingots.
7. One 120-inch plate-mill.

Annual capacity, 295,000 tons.

## 1898

1. Two 10-ton Bessemer converters, one 12-ton.
2. Thirty open-hearth furnaces—one 12-ton, six 25-ton, eight 35-ton and fifteen 40-ton.
3. One 28-inch and one 38-inch blooming-mill.
4. One 23-inch and one 33-inch train for structural shapes.
5. One 10-inch mill.
6. One 32-inch slabbing-mill.
7. One 40-inch cogging-mill.
8. One 35-inch beam-mill.
9. One 119-inch plate-mill.
10. One 3,000 ton and one 10,000-ton hydraulic press.

11. Steel foundry, press shop, and machine shop.  
Annual capacity, 2,260,000 tons.
- . . . . .

The management of the Carnegie Company represented the acme of productive efficiency. Every officer had risen from the ranks by dint of compelling merit. Every head of a department had an interest in the business apart from his salary. Trade unionism had been banished from the mills in 1892, and the workmen were spurred on by high wages and the promise of advancement. No visitor to the Carnegie mills could fail to be impressed with the intensity of the effort and the strained attention evident in every department. None but the strongest could stand the terrific pace. Breakdowns were frequent at thirty-five, men were old at forty-five. The famous "iron-clad agreement," it has been claimed, was designed to dispense peaceably with partners who had outlived their usefulness. Not only was money lavishly spent on salaries and wages, but large sums were paid for information.

E. S. Meade: *Trust Finance*, pp. 198-211. D. Appleton and Co., New York, 1903.

#### QUESTIONS

At the time of the formation of the United States Steel Company (the "Steel Trust") what types of manufacture did the Carnegie Steel Company engage in? What lines of steel manufacture did it leave to other firms? How had the Carnegie Company provided for a sure supply of raw materials and for transportation facilities? What advantage had the Carnegie Company over competing concerns in the location of its plants? Was this the result of chance? How had the equipment and the employes of the Carnegie Company been organized with a view to their highest possible efficiency? Notice the increase in equipment and the great increase in output between 1890 and 1898.

## LX

## CAUSES OF TRUSTS

The Industrial Commission was created by Act of Congress in 1898, its membership being composed of five Senators, five Congressmen, and nine other persons selected by the President and the Senate. Between 1900 and 1902, it published 19 volumes of reports on various industrial topics such as trusts, labor problems, agriculture, transportation and immigration. The extract below is taken from a report of the commission summarizing its conclusions as to the causes of the growth of trusts in the United States.

*Causes of Combination:*

It is clearly the opinion of most of those associated with industrial combinations that the chief cause of their formation has been excessive competition. Naturally all business men desire to make profits, and they find their profits falling off first through the pressure of lowering prices of their competitors. The desire to lessen too vigorous competition naturally brings them together.

A second way of increasing profits is through the various economies which they think will come by consolidation. The special details of these savings will be given under another heading.

One or two of the witnesses considered the protective tariff as the chief cause of the trusts. They urged that high tariff duties, by shutting out foreign competition, make it easier for our manufacturers to combine to control prices, and they think that the experience of the last few years justifies the assertion. Likewise, they say, through the high profits that come from the exclusion of foreign competition by the tariff, capital has been attracted into industries here to so great an extent and with the expectation of so high profits that home competition has been unduly stimulated, thereby leading to the formation of combinations.

Some other witnesses believe that the tariff, while not the most important cause, has, nevertheless, some influence toward encouraging combinations; while one witness, Mr. La Taste, believes that the monopoly of natural opportunities, under our present system of taxation, is to be considered the fundamental cause.

Nearly all of the witnesses who have considered excessive competition as the chief cause do not agree that the tariff is to be looked upon as a cause, nor as a rule do they concede that those engaged in the organization of combinations have any intention of securing a complete monopoly. It is, of course, true that the restriction of competition is a step toward monopoly, but competition has not been suppressed entirely, and they do not believe that monopoly has been or can be secured. In most cases they would deny that a monopoly was in any respect desirable. *The Savings of Combination:*

(a) Among the economies that are generally recognized as resulting from combination is the regulation of production. Where there is no general understanding among producers there is a strong tendency to overproduction, so that markets become demoralized and competition excessive. The combination is able so to fit the supply to the demand that while customers can be fully supplied at reasonable prices there is no danger of overproduction. It is thus a means of preventing panics and periods of depression.

(b) Closely allied with this adaptation of supply to demand is the advantage that comes from the possibility of carrying much smaller stocks of goods. This saves not merely the investment of capital, but also interest on running capital, insurance, storage charges, shop-work charges etc.

(c) This same control of production enables the combination to keep its factories running full time, thus keeping labor fully employed. It has been found in several special cases that the percentage saved in the cost of production in the rubber industry by running a factory full

time instead of half time was from 4 to 8 per cent. In other cases it is doubtless more.

(d) When a large proportion of an industry is under the control of one central management, it becomes essential to success that the various products be standardized. In this way the quality of goods can be made much more uniform than would otherwise be the case, and its excellence can be guaranteed. Furthermore the number of styles of goods can regularly be very much reduced, thus lessening the cost of manufacture and effecting a saving in the amount of stock that needs to be carried.

(e) The same influence leads to the larger use of special machinery, and to the adaptation of the workmen and the superintendents to the special departments for which they are best suited. In many cases through this specialization more can be saved than through the introduction even of new machines. In one case, in connection with the manufacture of rubber goods, as much as 20 per cent. of the cost was saved by thus specializing the machinery. Mr. Schwab, president of the United States Steel Corporation, mentions the specialization and adaptation of material as a great saving in the steel industry.

(f) The specialization mentioned above saves also materially through a lessening in the cost of superintendence, which is sometimes very large. Likewise the increased efficiency often enables the manufacturer to lessen the number of laborers per unit of product.

(g) There are also noteworthy savings along somewhat similar lines in connection with the cost of selling; for example, the number of traveling men can often be greatly reduced. In the case of the United States Rubber Company there was a saving of 25 per cent in the number of traveling salesmen. Substantial economies can be made through direct sales instead of through middlemen; and the cost of advertising can be materially lessened, owing to more intelligent distribution and method of advertising. Advertising in a large way permits also the securing of

more favorable rates. The popularity of a trademark can be more readily secured when the sales are direct.

(h) There is often through combination a better knowledge and control of credit conditions, so that bad debts may be guarded against. During the year 1890 the United States Rubber Company, doing a business of about \$28,000,000, lost less than \$1,000 by bad debts. The loss by the separate companies on that volume of business would have averaged doubtless over \$100,000 per year.

(i) Of course there is a very material saving in many instances through shipping goods to customers from the nearest plants. In this matter of freight saving also the large combinations can often supply themselves with storage facilities at central points and then ship their goods in large quantities during the seasons of the year when freight rates are lowest, thus often securing the advantages of water transportation which otherwise would not be available.

In the case of local combinations, for example, the Cleveland and Sandusky Brewing Company, a similar saving is made in the cost of delivery of goods. Before the combination was made each brewery delivered beer to every part of the city. Now each brewery delivers to the portion near which it is situated.

*Report of the Industrial Commission*, Vol. 13, p. V-VII. Washington, Gov. Printing Office, 1901.

#### QUESTIONS

How had excessive competition caused the formation of trusts? In what way could the tariff be considered a cause of the growth of trusts? What political party holds this belief to-day? Name the economies that naturally result from combination and the elimination of competition. Whatever we may think of the general statements of the report, the causes operating to bring about consolidation are doubtless here put strongly. Whether a large proportion of the good results expected have been realized is open to question.

## PART XII

### NATIONAL PROBLEMS

#### LXI

#### GREAT WEALTH AND DISCONTENT

Until 1860-65, the national wealth had been widely diffused. After 1865 it began to be gathered into great fortunes. . . . Merely as an interesting fact, therefore, it would be worth recording that the rapidity with which wealth had grown was balanced by the startling inequality of its distribution. To a very large extent this inequality represented a natural inequality in the brain power which exists among individuals. It was a tribute, in part, to efficiency of organization and to that superior ability which in the world of finance is comparable to a like ability in the sphere of military affairs. The military analogy is, indeed, a very apt one. Translate the strategic maxims of Napoleon into the language of finance, and there is formulated a system quite as axiomatic as was his, because it expresses fundamental truths. Napoleon's battles were won by a tenacious adherence to a few simple principles. "Always have your forces so distributed," said the Emperor, "as to make it possible for you to direct all of them at once upon the weak point in the enemy's position." This implies singleness of command, clearness of design, and concentration of power. When, therefore, immensity of force is directed by supreme ability centered in one dominant mind, there is effected a combination which is practically irresistible. And the same thing is true with regard to money. When millions are united and massed, and when their concentrated power is wielded by one far-seeing brain, they

will draw to themselves swiftly and surely other millions and will justify the proverb which declares that wealth breeds wealth. An anecdote current in 1902 elucidates one of the causes of American success in financial management.

Not long ago, the head of an American corporation walked into the London offices of a great concern which represented similar interests in England. The American came unknown and unannounced. After waiting for half an hour in an ante-room he was admitted to the presence of the manager, and came at once to business with an unconcern of manner in striking contrast to English ways

"Now see here," he began, without any preliminary talk: "I've looked into your concern and know all about it, and just what it's worth, and I've come here to buy you out."

The Englishman gasped and stared at what appeared to him the extreme assurance and even insolence of his visitor.

"Yes," continued the American, swinging his leg easily over the arm of the chair; "I know all about your business. It isn't worth a million pounds, but I'm prepared to offer you that, if you'll close the thing right here."

"And when would you be ready to pay over the million pounds?" asked the Englishman, with what he regarded as elaborate irony.

The American looked at his watch.

"Well," he said, "it's rather late to-day; but if you'll have the papers drawn, I'll turn the million over to you to-morrow afternoon."

When men by temper and training come to possess the ability to do large things in this direct and simple way, they have an immense advantage over those who can act only in committees, or boards, or companies, and they will inevitably dominate them and use them quite at will. Hence it was that the concentration of wealth in the United States between 1885 and 1905, being directed in a swift, effective



and overwhelming fashion, seemed to promise the commercial and financial conquest of the world. It was this which dazzled for a while the imagination of the American people. They had begun to make other nations pay tribute to the Republic. They confidently looked forward to a time when, as a certain Senator somewhat extravagantly phrased it, both the Atlantic and the Pacific Oceans would commercially become "American lakes," traversed by American fleets and washing no shores that were not tributary to the United States. . . .

That the rapid growth of wealth and its unequal distribution were known in many cases to be the result of inequality before the law, explains the discontent which throve among the American people during the years with which this narrative has to do. Americans are singularly free from envy. That some men should grow rich while others remained poor was not in itself a cause of dissatisfaction. Great fortunes honestly acquired were rightly held to be an honor to their possessors, because they were the concrete evidence of ability, economy, and perseverance. But, on the other hand, the fortunes that had been gained through illicit favor, in defiance of the law and by the debauchery of those who had been chosen to make and to administer the law—these roused a widespread and steadily deepening resentment. Conspicuous instances of this lawless wealth have already in these pages been sufficiently pointed out in discussing the growth of Trusts, and the discrimination by railways in the making of their rates and in the stifling of competition by other means in flagrant violation of both the statutes and the common law of the land. For twenty years the courts had been practically impotent to check and to destroy the power of monopoly. Americans began to feel that the orderly processes of the law were unavailing. Petty criminals, underlings, and agents were sometimes punished; yet no great criminal of the wealthy class had ever been sent to prison, but was at most permitted to escape on the payment of a fine which

was to him of no more consequence than the copper coin which one tosses to an urchin in the streets. State after State adopted legislation intended to be remedial or punitive, yet this practically accomplished nothing; and some of these very States, notably New Jersey, most inconsistently framed their corporation laws in such a way as actually to encourage the increase of oppressive combinations. The feeling of helpless rage which spread through the West in 1892 had permeated the entire country in 1905, and had prepared the minds of the people for measures far more drastic than any which had hitherto been known in the Republic.

H. T. Peck: *Twenty Years of the Republic*, p. 724. Dodd, Mead and Co., New York, 1907.

#### QUESTIONS

When did the accumulation of great fortunes in America begin? What qualities in individual men secured them? Illustrate. What caused the dissatisfaction with this state of affairs? Was this dissatisfaction entirely due to the jealousy of those less fortunate in amassing great wealth? What types of legislation did the discontent introduce? Were they successful? The anecdote in this selection is, we imagine, a great exaggeration of what may have occurred.

## LXII

### IMMIGRATION

Immigration to-day presents one of the broadest problems in our national life. The American laborer encounters competition from unskilled immigrants. The growing up of great national colonies of immigrants in our big cities reminds us that an increasing proportion of our population does not naturally inherit the ideals that we consider American. A slight understanding of one or two phases of the problem at least, may be gained from the following selection.

The year 1905 broke all previous records in the history of immigration to the United States, the number of immigrants recorded for the twelve months ending June 30 being 1,026,499. But the numerical strength of the movement was not its most serious aspect: the character of immigration has undergone radical changes in the past few years. Prior to 1880 three-fourths of all persons who migrated to America came from the Celtic and Teutonic countries of northern and western Europe, mostly from the United Kingdom and Germany, while less than one per cent. came from Italy, Austria-Hungary, Russia, and Poland. About 1880 the numbers from the latter countries began to increase, and assumed larger and larger proportions, until in 1905 the Slavic and Iberian countries of eastern and southern Europe furnished nearly three-fourths of the total. . . .

The very high rate of illiteracy among immigrants from southeastern Europe, together with racial, social, religious, and political distinctions of a fundamental character, render them less assimilable, and therefore less desirable, than immigrants from northern Europe.

The stream of immigration always flows towards the relatively prosperous country, and its volume is a fair gauge of economic and industrial conditions. The number of immigrants to the United States did not reach the 100,000 mark in any one year until 1842 when 104,565 landed on our shores. By 1854, the number had risen to 427,833; and in that year an anti-foreign agitation became a factor in American politics. The sudden increase was coincident with hard times in Ireland, revolution in Germany, and the development of the western country. The financial depression of 1857 and the outbreak of the Civil War reduced the number by 1862 to 72,183. The year 1873 broke the record again, showing the entry of 459,803 immigrants. The panic of that year, and the financial depression that followed reduced the number by 1878 to 138,469. There was a sudden rise in 1880, and in 1882

the number reached 788,992 a figure not equalled again for twenty-one years. The financial crisis of 1893 and the succeeding years of depression caused a drop to 229,299 by 1898. Since that time there has been a rapid increase, until now over 1,000,000 aliens come annually to our shores. . . .

The general prosperity of America is undoubtedly the most important cause of immigration, for most of the immigrants come at the inducement of friends and relatives who have preceded them. Steamship agents testified in 1901 that from 40 to 55 per cent. of those who come to our shores have their passage prepaid by friends in this country; if to this be added those to whom money is sent from this side for the purchase of ticket abroad, the proportion taking passage at the expense of their friends would amount to about two-thirds of the whole. . . .

The most serious social problem presented by the immigration of recent years is the tendency of the foreign-born to congregate in the slums of the larger cities: in 1900, while making up only a little over one-eighth of the total population of the United States, they formed one-fourth of the total population of the cities and a much larger proportion in many places; thus, the foreign-born formed 47 per cent. of the population of Fall River, 39 per cent. of Duluth, 37 per cent. of New York, 35 per cent. of Boston, 34 per cent. of San Francisco and Chicago. The tendency to congregate in the large cities is particularly marked among the Russians, Poles, Italians, and Irish. This accumulation of colonies in the great cities is the principal obstacle to the assimilation of immigrants, which is the great desideratum. If they could be distributed more evenly throughout the country, the process of Americanization would go on much faster. . . .

After a careful study of the social and economic conditions surrounding the immigrants after settlement in America, Professor Mayo-Smith came to the conclusion that the tendency to assimilation was inevitable and dominant. As

he put it: "Owing to the unorganized character of the immigration; to the lack of political and social connection between the immigrants and the home country; to the variety of elements which more or less neutralize one another; and to the powerful influence of the established institutions — assimilation to the one type is the natural and almost inevitable result. . . . It is not in unity of blood, but in unity of institutions and social habits and ideals that we are to seek that which we call nationality."

J. H. Latané: *America as a World Power*, p. 285ff. Harper and Brothers, New York, 1907.

#### QUESTIONS

What change has of late years come in the races from which our immigration comes? Show how immigration varies with the degree of our prosperity. How does immigration add to the population of our great cities? Are immigrants likely to retain their language and national habits permanently among us?

### LXIII

#### THE CITY

The author of the book from which the following extract is taken gives us a fascinating vision of the future city in the United States and of its problems. Some of his generalizations must, however, be approached with caution. The problem of the city is not so modern that it did not exist in Europe in the seventeenth century, although the need of a solution for it has been driven home to us by the vast increase in urban population that has come in recent years. While Mr. Howe has set before us graphically many of the forces at work on our civilization, he cannot do the impossible — he cannot name them all and estimate their comparative strength. Accordingly his forecasts as to the future development of specific cities in the United States must be taken for what they are — prophecies.

*The New Civilization.*

. . . The modern city marks a revolution—a revolution in industry, politics, society and life itself. Its coming has destroyed a rural society, whose making has occupied mankind since the fall of Rome. It has erased many of our most laborious achievements and turned to scrap many of our established ideas. . . . The city will no longer be an incidental problem. It has already become the problem of society and the measure of our civilization.

The extent of this change is seen in the drift of population. . . . In the United States we are so accustomed to an immense unoccupied western domain that the growth of our city population fails to impress us. In our thoughts, America is still an agricultural nation, and the city but an incident of our growth. But an examination of the census returns destroys this illusion. In 1800 but four per cent. of our population dwelt within city walls. By 1830 the percentage had crept up to six and seven-tenths. Thirty years later, at the outbreak of the Civil War, five millions, or sixteen and one-tenth per cent. of our people, were urban dwellers. Since that time, the growth of industry, the expanding network of railways that has been woven across the face of the continent, the ever-increasing inflow of immigration, have raised this ratio to thirty-three per cent. of the whole. To-day, more than twenty-five millions of America's population dwell in cities of over 8,000 inhabitants, while nearly forty per cent. of the total reside in communities of over 4,000 people. In the older and more developed commonwealths of the East, the proportion of urban population is much higher. And it is in these states that we are to look for the real tendencies of our time. In Rhode Island eighty-one and two-tenths per cent. of the people dwell in cities, while Massachusetts has seventy-six per cent., New York sixty-eight and one-half per cent., New Jersey sixty-one and two-tenths per cent., and Connecticut fifty-three and two-tenths per cent., of their population as urban dwellers. Even Illinois, the great prairie

state of the central West, is nearly one-half urban, while in California over forty per cent. of the people live under city conditions. And this movement to the city is bound to continue. The statistics of all countries demonstrate this fact. While the total population in America increased twenty and seven-tenths per cent. during the decade from 1890 to 1900, the urban population of the country increased thirty-seven per cent.

At the beginning of the twentieth century, the City of New York contained more people within its jurisdiction than responded to the authority of the first President of the Republic. In a hundred years' time it has become the second city in the world. In the magnitude of its undertakings, it is easily first. . . . The city's annual expenditures exceed \$108,000,000. . . . The annual budget of the Japanese Empire is but \$120,000,000; of the Turkish Empire but \$80,000,000 and of Holland and Switzerland combined but \$80,000,000. . . .

. . . At no distant day, New York is destined to be the largest city on the globe. It is rapidly becoming the clearing-house of the world. It is bound to be the cosmopolis of finance, shipping, and the allied interests. It will be the distributing agency for the supplies of other nations, an immense warehouse where the East and the West, the North, and the South will meet in the exchange of their wares. . . .

On a smaller scale, and in a sense tributary to New York, the cities of Boston, Philadelphia, New Orleans, San Francisco, and Seattle will expand by the same forces; only shipping and the distribution of commodities will be the agencies of their growth. By the time the United States has doubled its population, these cities will have quadrupled theirs. In like manner, Chicago and St. Louis will perform for the central regions of America what New York now does for the eastern seaboard. . . .

To-day, steel is king, and iron, copper, coal, and oil are its handmaidens. Nature has exhausted her ingenuity in

conjoining these great wealth producing agencies about the region of which [Pittsburg and Cleveland] are the centers. Already the city of Pittsburg, with its environs, has a population of nearly a million souls. The city of Cleveland has half that number. The valleys between these cities blaze for a hundred miles with blast furnaces, rolling mills, and foundries. In the Great Lakes region are found rich copper mines of which the Calumet and Hecla is chief. Iron ore is mined on the shores of Lake Superior by being scooped from the surface of the earth by steam-driven shovels, while natural gas, oil, and bituminous coal are distributed in almost inexhaustible quantities in Pennsylvania, Ohio, and West Virginia. From mine to mill, the cost of transportation through the chain of Great Lakes has been reduced to the vanishing point. . . .

Along with the great iron and steel industries go the lesser ones — the finishing processes, the machine and tool industries and the making of the great enginery, and new tools that are subjugating nature in the wild places of the earth to the domestic needs of man. Not only will the two cities of Pittsburgh and Cleveland become communities of two million inhabitants each, but the intervening region as well as the southern shore of Lake Erie will be one long succession of manufacturing towns like unto the midland cities of England. . . .

Through the enlarging of trade connections from state to nation, and from the nation to the world at large, the great cities have become the counters across which commodities are exchanged. Within a short hundred years the local fair, that Adam Smith described as prevailing in England prior to the industrial revolution, has become a world's fair, and barter, sale, and exchange are now performed by clearing-house agencies which are as infinitely delicate and myriad in their ramifications as the nervous system of the human body. And in this world movement, the city is the center.

Along with the forces that have been enumerated are



certain minor and, in a sense, more obvious ones which are drawing mankind to the city. The steam railway is being supplemented by the electric inter-urban line. It is a cheap form of transit, and has already developed into trunk-line connections with facilities for long-distance travel. Through these agencies, the city is being ruralized and the country is being urbanized. Thousands of men are now linked to the town for their livelihood, recreation, education, and interests, who a few years since were as hopelessly removed from these advantages as though they had resided a hundred miles away. At the same time an increasing number of people are drifting into the country, in order that they may escape the burdens of city life and at the same time enjoy the advantages which it offers.

### *The City for the People.*

The city is not only the problem of our civilization; it is the hope of the future. . . .

. . . It is constantly taking on new activities and assuming new burdens. Everything tends to encourage this, while many things render it imperative. By necessity we are forced to meet the burdens of a complex life. We cannot live in close association without common activities, without abandoning some of our liberties to regulation. Not only do health, comfort, and happiness demand this, self-protection necessitates it.

. . . A conscious housing policy will be adopted. The tenement will become habitable, comfortable, and safe. Cheap and rapid transit will lure the population from the crowded slum into smaller suburban centers. For the city of the future will cover a wide area.

The same motives that have opened up breathing spots in the form of parks, as well as public baths and gymnasiums, in the crowded quarters will, in time, lead to the establishment of city clubhouses, winter recreation centers, where such advantages as are now found in the social settlement will be offered. About these centers the life of

the community will focus for study, play, recreation, and political activity. Here concerts, lectures, and human intercourse will be offered. A sense of the city as a home, as a common authority, a thing to be loved and cared for, will be developed. In the city club the saloon will find a rival. From such centres charity work will be carried on. Here neglected children will be cared for, here the boys and girls will find an opportunity of escape from the street, and the mother and father a common meeting ground which is now denied them. . . .

We have had our public schools for so long that we accept them as a commonplace. But we do not appreciate that the high schools are raising millions of citizens to an educated estate which was known to but a limited number a few years ago. The effect of this infusion of culture into our life is beginning to make itself felt. And in the years to come, when education has, in fact, become compulsory, and the school age has been raised to a higher standard, the effect will be tremendous. Along with the schools go the public libraries. Branches and distributing agencies are extending their influence into every part of the city. Through them opportunity is offered for a continuation of study, even after the door of the school has closed. . . .

These are some of the things the new city will do. It will also care for the sick, as it now does in many cities, through district physicians or visiting nurses attached to the school departments. It will find work and maintain employment agencies. It will supervise factories, mills, and workshops. . . .

We have already taken the first steps toward such an end. Many of these activities are already performed in many cities without exciting comment. . . . We are probably in but the beginning of this movement which aims to relieve the cost of city life, to enlarge the opportunities for happiness, and save the oncoming generation from some of the losses which the industrial city has exacted.

F. C. Howe: *The City the Hope of Democracy*, pp. 9-18; 280-288, *passim*. Charles Scribner's Sons, New York, 1905.

#### QUESTIONS

Illustrate the tendency to the growth of cities in the United States? In which States is it most marked? Explain how the task of governing the city of New York is from some standpoints as vast as that of governing a great nation. What prediction does Mr. Howe make for the future growth of the commercial cities of the country? What part of the United States does he predict will contain its manufacturing cities? How does a massing of population necessitate careful supervision by the city government over details of the life of citizens that in smaller places may be left to individual regulation? What will be the way, according to the author, in which the modern city will approach the problem of the slum? The problem of public breathing places? Of affording an outlet for the social life of the community? Of increasing the efficiency of the schools?

### LXIV

#### THE DIRECT PRIMARY

In the later decades of the nineteenth century, 1880-1900, corrupt and "machine" methods in the conduct of elections aroused much discussion and awakened opposition. The introduction of the Australian ballot helped to cure some of the irregularities in the formal election; but the nominating system remained unsatisfactory. Nominations were made by the caucus-convention system. Under this system the first step in the nomination of a party candidate was the holding of a caucus in a ward or township or other minor district; though theoretically this caucus might be attended by any or all of the members of the party, it was commonly made up of a few practical politicians, who might use their power corruptly or with entire disregard of any wishes save their own and those of the party leader. The caucus chose delegates to a convention which nominated candidates or chose delegates for some higher and more general convention. These conventions were, again, in

the hands of a few workers or leaders, who generally did as they wanted to. To say the least the convention was not an organ of popular government; practically the nominating system was in the hands, not of the people, but of a few persons. There thus arose the demand for the direct primary, i.e., for a primary election in which, under legal regulations, all the members of the party might choose their candidates for office. In the course of a few years — especially during the years from 1895 to 1910 — this form of nomination was provided for in a large number of States.

### *THE CAUCUS-CONVENTION SYSTEM*

- A. The caucus, made up in theory of voters of the party.
  - (1) In a township or a ward of a small city, put township or ward officers in nomination.
  - (2) Chose delegates to a convention: B (1) or (2).
- B. (1) City convention. Delegates named by caucuses nominated city officers.
  - (2) County convention. Delegates named by caucuses (a) nominated county officers or (b) chose delegates to State convention, or (c) chose delegates to a Congressional district convention.
- C. Congressional convention. Delegates from county conventions nominated Congressman.
- D. State convention. Delegates from county conventions (a) nominated State officers or (b) chose delegates at large to national convention.
- E. National convention. Nominated president and vice-president.

The selection given below is a strong argument for the direct primary. Perhaps it should be said, on the other side: (1) that this system of nomination is expensive; (2) that when there are several candidates for nomination to the same office, the person nominated may be the choice of only a decided minority of the voters; (3) that the system appears to have a tendency to break down the sense of party responsibility. Of these objections, however, possibly the first two apply, with even greater force, to the old system.

Experience with the Direct Primary in thirty-two states, where it is now being used in one form or other, shows that every good Direct Primary law, whether applied to city, county, or state, must have the following five essentials: (1) It must be compulsory upon all parties; (2) the Australian Ballot must be used; (3) all primaries must be held under state regulations; (4) the state must bear the expense; (5) all parties must hold their primaries at the same place and time. Under a system of Direct Nominations, one of the registration days is set aside for the primary. The voter goes to the polls, registers, receives a ballot containing a list of the candidates, and votes directly for the men of his choice. Nothing could be more simple in operation than this. It places in the hands of the voters the power to nominate *their* party-candidates, and in all sane governments that is where it should be placed.

The real tests of any nominating system, however, are (1) the number of voters that take part in the primaries, and (2) the kind of candidates nominated.

Under the caucus-system, no matter how highly legalized, the voters will not take part in making the nominations. They are not even interested, for in the caucuses they do not nominate candidates, they only elect delegates, and a delegate, no matter how honest he may be, cannot correctly represent the wishes of his constituents upon all, and quite often not even upon a small portion, of the candidates to be nominated in the convention. Do the facts uphold the argument? Take the caucus-system at its best and what do we find? In San Francisco, New York City and Cook County, Illinois, which places since 1901, 1900, and 1899<sup>1</sup> respectively have had the most highly legalized and reformed caucus-systems in the United States, an average of but 39 per cent. of the voters of San Francisco, 41 per cent.

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<sup>1</sup>This was before the introduction of the direct primary into Illinois.

of those in New York, and 38 per cent. of those in Cook County, Illinois, take part in making nominations. If but this small number of people attend the caucuses when such great care is taken to protect the voice and the will of the people, what a handful must turn out in those states in which few if any legal regulations are thrown around the nominating machinery! Under the caucus-system the resulting government cannot represent the will of the majority. It can only represent the will of the minority, and it is to this small minority (composed though it usually is of men who are in politics for what there is in it) that our officials are directly responsible, not only for their nomination but also for their subsequent election.

On the other hand, it cannot be denied that the Direct Primary greatly increases the attendance at the primaries. The reason for this is that it gives the voters a real voice in making party nominations. They can express their choice upon all candidates from governor down to justice of the peace, and by this means are able to exert a direct influence upon the final results.

In Cleveland, Ohio, under the old caucus-system only 5,000 voters took part in nominating the Republican candidates for city offices in 1892, but in 1893, when they used one of the most poorly-framed and extra-legal primary systems imaginable, over 14,000 Republicans turned out. This number increased to 23,000 in 1896, to 28,000 in 1899, and to 31,000 in 1901, the vote at the primaries during these years averaging more than 95 per cent. of the vote cast by the Republicans at the subsequent elections. In Crawford county, Pennsylvania, where the Direct Primary has been used since 1860, the average attendance at the primaries has been more than 73 per cent. In the 25th Congressional District, where the system has been used since 1890, 77 per cent of the voters have made the nominations. . . .

. . . These figures show most conclusively that the difficulty is not the apathy of the people. Their civic patriotism is as strong as it has ever been in years past. They

are interested in the government and will attend the primaries, if they are but given the opportunity to directly nominate their party candidates. The difficulty lies with the caucus-system. It is indirect and inefficient.

Now let us see if there are any reasons why better men should be nominated under the Direct Primary than under the caucus and convention system.

In the first place it must be conceded that the majority of the people are honest and that they want good government and honest officials. Under the Direct Primary they can make this desire felt more effectively. They can exercise two vetoes upon any attempt to foist bad candidates upon the public, once at the primary, and again at the election. But under the caucus-system they have no choice at the caucuses, while upon election it is usually a choice between two evils, between two machine-made candidates, and this is one reason why there is such an appallingly large stay-at-home vote upon election day.

In the second place, who is it that so bitterly antagonizes the Direct Primary? Most assuredly it is not the people! It is the same class of men that twenty years ago fought the introduction of the Australian ballot! . . . Why is it that the politicians have suddenly become so solicitous about the welfare of the public, claiming, as they do, that the introduction of the Direct Primary would be detrimental to the best interests of the people? Why is it that they fight it so strenuously? It is because they realize that they cannot control the seventy or eighty per cent. of the voters who turn out to the primaries as they dictate to the twenty per cent. who attend the caucuses. . . . The Direct Primary introduces "the principle of free, open competition, where before all was secrecy, scheming and log-rolling. It enables any man to become a candidate without currying favor with the boss and the ring by methods which trench upon his self-respect." The natural result is that better men come out for the nomination under the Direct Primary than under the caucus-system. . . .

Ira Cross: *Direct Primaries* in *The Arena* Vol. XXXV, p. 587, June, 1906. Published in *The Primer of Direct Legislation* by Wm. H. Plunkett, Trenton, N. J.

### QUESTIONS

What five essentials are there to a good primary law? Why will voters not attend caucus primaries? How has the adoption of direct primaries increased the turnout of voters over that usual at the caucus primaries? Why should the nomination of better men be expected under the direct primary? Why do politicians oppose it? Do you suppose that all who oppose the direct primary do it from corrupt motives? Do you see that the success of any system must depend on the interest of the people on their readiness to participate, and on the honesty with which the machinery is used?

## LXV

### INITIATIVE, REFERENDUM AND RECALL

Because of a more or less general feeling that State legislatures did not properly carry out popular desires and because of charges, not unfrequently made and too often true, that individual officers were untrustworthy, there came a demand, in the latter part of the last century and the early part of the present century, for sweeping and drastic measures of reform, which would "restore government to the people." The most advanced measures that were advocated were the Initiative, Referendum, and Recall; they are intended to give the people opportunity: (1) to introduce and pass upon legislative acts; (2) to vote upon acts passed by the legislature and to reject them if they choose; (3) to remove from office any official without waiting till the expiration of his term. The excellence of these means or methods of popular government are by no means universally admitted, though they have in one form or another been provided for in several States. Against the Initiative and Referendum, it is said that after the first flush of interest in the new devices the people will not take the necessary interest, that the people as a whole cannot take the time to study complicated matters of legislation, that the State legislatures will by this process be deprived of a



sense of responsibility, and that any well governed State must have a stable and responsible center. The argument against the Recall is that it diminishes again proper feeling of official responsibility, that the office holder is made timid and hesitates to perform evident duty, if there is apparent popular disapproval though the disapproval may be really temporary. It is also said that the office holder may be subjected to pressure by sinister interests powerful enough to stir up discontent.

The argument in behalf of the wisdom and utility of these reforms rests chiefly on general belief in the capacity of the people and on the belief, not that we have had too much, but that we have had too little democracy: if we are to do the things we have to do, we must give the people at large a wider and stronger hold upon government.

The following extract gives some of the principal details which the laws of Oregon provide for carrying out the processes of Initiative, Referendum, and Recall.

Oregon's next step in popular government was the adoption of the initiative and referendum amendment to the Constitution, which amendment was adopted in June, 1902, by a vote of 62,024 to 5,668. It provides that legislative authority shall be vested in a Legislative Assembly, but that the people reserve to themselves the power to propose laws and amendments to the Constitution and to enact or reject the same at the polls independent of the Legislative Assembly, and also reserve power to approve or reject at the polls any act of the Legislature. An initiative petition must be signed by eight per cent. of the legal voters as shown by the vote for Supreme Judge at the last preceding general election, and filed with the Secretary of State not less than four months before the election. A referendum petition<sup>1</sup> need be signed by only five per cent. of the voters and filed with the Secretary of State within ninety days after final adjournment of the Legislature which passed the

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<sup>1</sup> A petition from a part of the voters proposing a new law and demanding that it be submitted to the voters for acceptance or rejection.

bill on which the referendum is demanded. The Legislature may itself refer to the people any act passed by it. The veto power of the Governor does not extend to any measure referred to the people.

In addition to the publicity incident to the circulation of the petitions, the law provides that the Secretary of State shall, at the expense of the State, mail to every registered voter in the State a printed pamphlet containing a true copy of the title and text of each measure to be submitted to the people, and the proponents and opponents of the law have the right to insert in said pamphlet, at the actual cost to themselves of paper and printing only, such arguments as they see fit to make. These pamphlets must be mailed not later than fifty-five days before a general election and twenty days before a special election. . . .

The final step in the establishment of popular government in Oregon was the adoption of the recall amendment to the Constitution, which was adopted in 1908 by a vote of 58,381 to 31,002. Under this amendment any public officer may be recalled by the filing of a petition signed by twenty-five per cent. of the number of electors who voted in his district in the preceding election. The petition must set forth the reasons for the recall, and if the officer does not resign within five days after the petition is filed a special election must be ordered to be held within twenty days to determine whether the people will recall such officer. On the ballot at such election the reasons for demanding the recall of said officer may be set forth in not more than 200 words. His justification of his course in office may be set forth in a like number of words. He remains his office until the results of the special election have been officially declared. No petition can be circulated against any officer until he has held office six months, except that in the case of a member of the State Legislature it may be filed at any time after five days from the beginning of the first session after his election. At the special election the candidate receiving the highest number of votes

is declared elected. The special election is held at public expense, but a second recall petition cannot be filed against an officer unless the petitioners first pay the entire expense of the first recall election.

Jonathan Bourne, Jr.: *Popular Government in Oregon*  
in *The Outlook*, Vol. XCVI, pp. 322-330, *passim*. 1910.

#### QUESTIONS

What statement did the amendment to the constitution of Oregon, adopted in June 1902, make as to where the legislative power of the State is vested? What percentage of the voters must sign an initiative petition? A referendum petition? Can the legislature, without a petition, refer an act? Can the Governor veto an act passed by the people? What is the publicity pamphlet? How many signatures are necessary on a petition for a recall election? What publicity is given the arguments for and against the recall of an officer? What are the restrictions on the free use of the recall?

### LXVI

## A PRESIDENTIAL CAMPAIGN

The extract gives us some idea of the activities of campaign committees in a presidential campaign. It describes the work of the party management in 1896, when the contest seemed to require argument and information on the issues involved. More money was probably expended in this campaign than in any other before or since. See the next selection for estimates of the campaign funds of various presidential years. The methods of campaigning are representative of the campaign methods employed by the national committee in conducting campaigns of recent years.

Since the beginning of the campaign the Republican National Committee has issued the astounding total of over two hundred millions of copies of documents. There were also issued, under the direction of the same committee,

about fifty million copies of documents from the headquarters of the Republican Congressional Campaign Committee at Washington. All this work has been done through the Bureau of Publication and Printing. . . . There have been prepared more than 275 pamphlets and leaflets, besides scores of posters, sheets of cartoons, inscriptions and other matter touching on the various phases of the campaign issues. . . . The distribution of these documents was generally made through the state central committees. About 20,000 express packages of documents were shipped, nearly 5,000 freight packages, and probably half a million packages by mail. These documents were printed in German, French, Spanish, Italian, Swedish, Norwegian, Finnish, Dutch, and Hebrew, as well as in English.

The duties of the editorial department of the Republican Literary Bureau at Chicago did not end with the preparation of the many documents to which allusion has been made, but some notion of the extent of those duties may be had when the fact is stated that a preferred list of country newspapers, with an aggregate weekly circulation of 1,650,000, received three and a half columns of specially prepared matter every week; another list of country newspapers, with an aggregate weekly circulation of about 1,000,000, received plate matter; three special classes of country weekly and daily papers were supplied with statements aggregating about 3,000,000 copies every week, and lastly, a special class of country newspapers received "ready prints"—the entire weekly circulation being about 4,000,000 copies. Hundreds of other newspapers depended in a large measure for their political matter during the campaign upon the Publication and Printing Bureau and were circulated under the direction of this bureau. It is a safe estimate that every week 5,000,000 families received newspapers of various kinds containing political matter furnished by this bureau,—probably three times the aggregate in volume and influence of any newspaper work ever before conducted by a national political committee.

The Republican Committee also made large use of political posters, probably 500 being circulated under the direction of the Publication and Printing Bureau. The most popular poster sent out from Chicago was the five-colored, single-sheet lithograph so widely circulated at the St. Louis convention, bearing a portrait of Mr. McKinley with the inscription underneath, "The Advance Agent of Prosperity." The number of copies of this poster circulated is said to have been almost beyond computation or comprehension. Another poster which had an immense run was in plain black and bore the title, "The Real Issue." It represented McKinley addressing a multitude of laborers in front of factories, declaring that it was better to open the mills of the United States than the mints, while Mr. Bryan, on the other side in front of the United States mint, was welcoming the people of all races with their silver bullion for free coinage. The great volumes of factory smoke and the throng of eager workmen on McKinley's side were in strong contrast with the group of foreigners dumping their silver in front of the Bryan mints. . . .

The work of the congressional campaign committees has been far more important this year than ever before. The Republican Committee, under the chairmanship of the Hon. J. W. Babcock of Wisconsin, has been hard at work since early in June, and, like the National Committee at Chicago, it has broken its own record. The committee has printed 23 different documents. Of a single speech in Congress, that delivered by Representative McCleary of Minnesota in the House last February in reply to his colleague, Representative Towne, the committee has issued 2,500,000 copies. Another popular money document issued by the committee was Representative Babcock's speech on the history of money and financial legislation in the United States. In the list of pamphlets sent out by the committee were speeches by Senator Sherman, Mr. Blaine, Representative Dingley, Speaker Reed, and others. The committee did not restrict itself to the distribution of Congressional

speeches, but chose such other ammunition as seemed adopted for the purpose in view. A pamphlet of forty pages was prepared, dealing with the silver question in a conversational way, and this, although one of the longest, proved to be one of the most popular documents sent out. The silver question was not treated wholly to the exclusion of the tariff in these documents, but in the latter weeks of the campaign it was found that the demand for tariff literature gradually increased, and a large proportion of the documents distributed from Washington dealt with that subject.

The distribution of Republican literature from New York City was placed in the hands of the American Protective Tariff League. . . . Some twenty millions of documents were sent out from the headquarters in West Twenty-third Street, New York City, to points east and north of the Ohio River. . . . Each Congressional district in the territory covered was assigned a pro rata quota of documents, and additional shipments were made from time to time as required. The League's own work of editing and printing material for campaign purposes was done in a most systematic and admirable manner. . . .

Considering the remarkable expenditures for the dissemination of argument by means of the printed page, the poster, and the cartoon, it might have been supposed that in this campaign oratory would have had but a minor part. Then, too, the economic and statistical problems of a nation's currency have not usually lent themselves with grace to the fiery utterances of the political orator. But in this respect also the present year's campaigning has been exceptional. The oratorical powers of the opposing candidates had not a little to do with the winning of each nomination—in the one case directly, in the other just as truly if less conspicuously. Mr. Bryan set his own pace in his Chicago convention speech. Mr. McKinley was known at the start as one of the greatest campaign orators of his time. Neither of these men could be forced to

obey the tradition which required silence of presidential candidates.

Mr. Bryan's speechmaking record has been the most wonderful one in the whole history of American presidential campaigns. Poor Horace Greeley's famous tour in 1872 and Mr. Blaine's extended journeyings in 1884 are made to seem insignificant by comparison. On the night before election, if present plans are carried out, Mr. Bryan will have made about four hundred reported speeches in twenty-nine states. No previous candidate for the presidency ever attempted such a feat as this. Day after day this speech-making has gone on—much of it from the rear platforms of railway trains, while the telegraph and the daily newspaper have carried the speaker's utterances everywhere. Here again must be considered the matchless service of the press, without which the orator's words could reach but a limited number.

But for Mr. McKinley too, this has been a speechmaking campaign. He has remained at his home in Canton, but auditors have come to him from far and near. There is a precision, a fixed adherence to schedule, in the arrangements for receiving and addressing delegations at Canton which is wholly lacking in the Bryan "steeple chasing" programme. Mr. McKinley's speeches have been prepared with care and fully reported by the press.

W. B. Shaw: *Methods and Tactics of the Campaign* in *The Review of Reviews*, Vol. XIV, pp. 554-559, *passim*. New York, 1896.

NOTE.—The National Campaign Committee of the party is a committee of one member for each State of the Union elected by the State delegation to the national convention.

The Congressional campaign committee is chosen by the party members in Congress.

#### QUESTIONS

How many documents were circulated by the Republican committee in the campaign of 1896? What was the number of newspaper

readers probably reached by material from the Literary Bureau? What types of political posters were used? Describe the work of the Congressional committee. What was the type of material it dispersed? Describe the speech-making activities of the two candidates. Does this kind of a "campaign of education" seem to you desirable?

## LXVII

### PUBLICITY OF CAMPAIGN CONTRIBUTIONS

Demand for publicity of campaign expenditures and for restrictions on the use of money in campaigns were the result of the general interest in political reform characteristic of the early twentieth century. It is not enough to forbid expenditures of large sums; the law cannot be enforced unless there is some way of knowing how much is spent. Moreover in a free government a great deal depends on intelligent public sentiment; often the severest punishment is public disapproval.

The manœuvring for position between the parties in 1908 which resulted in the voluntary acceptance by each of high standards of publicity is too fresh in the public mind to require rehearsal here. For the first time in the history of presidential elections some definite information was made available regarding campaign finances. The Republican National Committee reported contributions of \$1,035,368.27. This sum, however, does not include \$620,150 collected in the several states by the finance committees of the Republican National Committee and turned over by them to their respective state committees. The Democratic National Committee reported contributions amounting to \$620,644.77. The list of contributors to the Republican National Fund contained 12,330 names. The Democratic National Committee filed "a list of over 25,000 names representing over 100,000 contributors who contributed through newspapers, clubs, solicitors, and other organizations, whose names are on file in the office of the chairman of the Democratic National Committee at Buffalo."



On many points, unfortunately, the two reports, while definite to a degree hitherto unknown, are not strictly comparable. Some species of "uniform accounting" applicable to this subject is manifestly necessary before any detailed investigation can be undertaken. One big fact stands out with sufficient clearness, however, namely that the national campaign of 1908 was waged at a money cost far below that of the three preceding campaigns.

Basing his estimate upon what is said to have been spent in 1896, 1900, and 1904, Mr. F. A. Ogg placed the total cost of a presidential election to both parties, including the state and local contests occurring at the same time, at \$15,000,000. One-third to one-half of this enormous sum, in his opinion, must be attributed to the presidential campaign proper. Compared with this estimate from five to seven and a half millions the relatively modest total of something more than two and a quarter millions shown by the figures of 1908 must be counted a strong argument in favor of publicity.

The most important single issue raised by the policies of the two parties during the last presidential campaign was that of publicity before or after election. Early in the campaign the Democratic National Committee decided to publish on or before October 15th all individual contributions in excess of \$100; contributions received subsequent to that date to be published on the day of their receipt. Following the principle of the New York law both parties made post-election statements. It is manifest that complete statements of expenditures, or for that matter of contributions as well, can be made only after election. Every thorough provision for publicity must, therefore, require post-election reports. Shall preliminary statements also be required? As against the latter it is urged that contributors whose motives are of the highest character will be deterred by the fear of savage partisan criticism. If publicity is delayed until after the election campaign bitterness will have subsided and a juster view of the whole

situation will be possible. In favor of publicity before the election it is said that two main ends are aimed at by all legislation of this sort; first to prevent the collection and expenditure of enormous sums for the bribery of voters and other corrupt purposes; and, second, by revealing the source of campaign funds to make it difficult or impossible for the victorious party to carry out corrupt bargains into which it may have entered in order to obtain large contributions. Publicity after the election will, indeed, serve the second of these ends, but publicity before would be much more effective in preventing corrupt collection and expenditure of funds. Moreover, it might prevent the victory of the party pursuing such a policy and, thus by keeping it out of power, render it incapable of paying by governmental favor for its contributions.

R. C. Brooks: *Corruption in American Politics and Life*, pp. 233-237. Dodd, Mead and Co., New York, 1910.

#### QUESTIONS

What were the total contributions to the Republican and Democratic campaign funds in 1908? Which had the larger circle of contributors? How did the expense of the campaign compare with that of earlier ones? What are the arguments for or against publicity of campaign contributions before elections?

### LXVIII

#### CORRUPT PRACTICE LEGISLATION

The movement for political reform resulted in legislation governing the conduct of elections and forbidding corrupt practices in efforts to win votes or gain a victory. These laws are based on the principle that it is the right and duty of the State to supervise the internal workings of political parties and the choice of their candidates no less carefully than it does the general elections of its officials. Part of this legislation follows lines which have long been recognized—prohibition of im-

proper use of money in influencing voters, etc.; another part endeavors, by limiting the amount that may be spent on a primary campaign or general election, to remove the advantage that the lavish expenditure of money gives. For the enforcement of such provisions some States have insisted that the financial side of campaigns should be conducted through responsible officials of the party or committee.

During the month of February, the states of Indiana, North Dakota, and Wyoming passed comprehensive corrupt practice laws. In the two latter states, the provisions of the Oregon primary law were followed closely and the plan of publishing a state pamphlet, stating reasons for the election or defeat of the respective candidates, and furnishing a copy to each elector of the state was adopted. Forty days before the primary (thirty-three days by the Wyoming law) candidates may file with the Secretary of State their portraits and statements of the reasons why they should be nominated. Those who oppose them may file the reason of their opposition. Space in the pamphlet is sold at a rate per page varying with the importance of the office sought. In Indiana, it ranges from \$100 per page for a candidate for United States senator or congressman, for governor, secretary of state or state treasurer; to \$10 per page for assemblymen; additional space, not to exceed three pages, is procurable at the rate of \$100 per page, or \$25 per page depending upon the office. In Wyoming the price per page varies from \$200 to \$100, additional space being sold at \$100 per page. The secretary of state publishes these statements in a pamphlet six by nine inches in size and mails a copy to each registered voter in the state. The Wyoming law makes further provision for the filing of statements by political committees prior to the general election relative to their party principles and candidates, and for publishing and distributing these statements by the secretary of state.

The amount which a candidate may spend in the primary or election, exclusive of the expense for space in the of-

ficial pamphlet, is limited by the North Dakota law to fifteen per cent. of one year's salary of the office he seeks, although \$100 is allowed in any case. The Wyoming law allows an expenditure not to exceed twenty per cent. of one year's salary, with a minimum allowance of \$200. Illegal expenditures under the North Dakota act embrace contributions, during one's candidacy, to religious, political or charitable causes, the gift of intoxicating liquors to influence electors, payments for transporting voters to the polls, or for any loss they have sustained through attendance at the polls and hiring workers on primary or election day. Badges or insignia may not be sold or worn near the polls, nor may electioneering be done on election day.

The Wyoming law prohibits payments for political services by candidates or political committees, except for the endorsement of candidacy through the papers, for securing signatures to nomination papers, and such expenses as are connected with the holding of public meetings, or with the gratuitous service of writers and speakers, the distribution of literature, conducting headquarters, and payments for traveling expenses, telegraphing, etc. Both the North Dakota and the Wyoming laws prohibit political contributions from corporations.

Candidates and political committees must keep detailed accounts of election receipts and expenses, and file statements thereof with the secretary of state or with the county clerk at the close of the campaign. The Wyoming law requires statements from all persons expending more than \$50.

The North Dakota law forbids pre-election promises of appointment, and prohibits the insertion in papers or periodicals of paid political material unless it is stated that such material is a paid advertisement.

The violation of these corrupt practice laws is punishable by a fine not in excess of \$1,000 and imprisonment in the county jail. For failure to file statements of expense a candidate is liable to a fine of \$25 for each day's delay

and his name may not be placed upon the official ballot until such a statement is filed.

The Wyoming law gives the circuit court of the county where statements of expense should be filed, exclusive original jurisdiction of all violations of the act, with power to declare the election of any candidate void. Prosecutions under this act are advanced on the court docket over all pending civil actions, and witnesses are not excused from testifying on the grounds that their testimony would render them criminally liable or expose them to public ignominy.

While the Wyoming law requires each political committee to operate through a responsible treasurer, this provision is more carefully covered in the Indiana statute. The latter state has followed the Maryland law more closely than any other, and has also borrowed the English plan of requiring candidates to work through "political agents." This latter provision is aimed at what has constituted a fruitful source of corruption, that is, the irresponsible distribution of campaign funds. These laws are drawn on the theory that funds should be expended only by such agents as have sufficient authority to bind their principals. The treasurer of a political committee is compelled to give a bond for the faithful performance of his duties. No one except a candidate may make any political contribution within six months of any election except to a political treasurer or agent. Corporation subscriptions may not be solicited at all and candidates' contributions must be voluntary. The purposes for which agents and treasurers may expend money are designated, and include, in general, the holding of public meetings, conducting headquarters and the dissemination of information. All printed material must purport on its face to be printed by authority of the treasurer or agent and if published in a newspaper must be marked as an advertisement. Candidates may pay for their personal expenses in traveling and circulating letters, etc., but other expenses must not exceed a fixed scale de-

pendent upon the number of electors in their district. Detailed statements of expense accounts must be filed by political treasurers and agents and by candidates. Failure to do so is penalized by fines not exceeding \$1,000 for political treasurers and agents and \$2,000 for candidates. Imprisonment for not longer than one year may be added to these penalties. No person is to be deemed elected to any office who has failed to file the required statements. Giving or receiving things of value to influence voters is penalized as a corrupt practice. Judges and corporations may make no contributions. Employers are forbidden to attempt to influence the votes of their employees through the posting of notices or the dissemination of political literature. Personation is also penalized.

Prosecutions for violation of the corrupt practice law may be instituted in the circuit court of any county in the district in which the candidate was voted for, by the petition of any defeated candidate or by ten qualified voters. Such action must be brought within thirty days. Trial is to be without jury unless one party desires a jury to be judge of the facts. If it be found that any candidate elected to any office in the state has been guilty of a corrupt practice through himself or his agents, or through political committees acting in his behalf, the judge shall certify that fact to the governor, who must within five days declare the office vacant. If the guilty candidate is a presidential elector or congressman, the judgment must be certified by the governor to the speaker of the house of representatives, if a state senator to the president of the senate, and if a representative to the house of representatives of the General Assembly of Indiana.

The duty is also imposed upon the prosecuting attorney of each county to prosecute for violations of this act.

These three laws, while they contribute little that is new to corrupt practice jurisprudence, embrace provisions which have been used with considerable success elsewhere. They

may be expected to greatly decrease the contamination of elections in these states.

S. Gale Lowrie: *Corrupt Practices at Elections* in *American Political Science Review*, pp. 236 ff. Vol. V. 1911.

#### QUESTIONS

Describe the application of the "publicity pamphlet" to primary elections. Who pays the expense of it? How are expenditures in primary or general elections limited in North Dakota? How do these provisions tend to put rich and poor men on a parity in running for office? What do you think would be the effect of the direct primary in this respect where campaign expenses are not limited? What uses of money are illegal in primary or regular elections in North Dakota and Wyoming? What is the advantage of requiring a political party or committee to operate through a responsible treasurer? How could the corrupt practice acts be evaded if this were not the case? Give the provisions of the Wyoming and Indiana laws. What statements must be filed under the Indiana law? What is the penalty for failure to file them? How may a violation of a corrupt practice act be punished in North Dakota? In Indiana? How may an election be declared void for such a violation?

### LXIX

#### THE UNITED STATES AMENDED CORRUPT PRACTICE ACT

An Act To amend an act entitled "An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected" and extending the same to candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States and limiting the amount of campaign expenses. . . .

(The fifth section of the act amended specifies the type of statement of campaign expenditures and contributions that must be filed by the treasurers of Congressional campaign committees.)

"Sec. 8. The word 'candidate' as used in this section shall include all persons whose names are presented for nomination for Representative or Senator in the Congress of the United States at any primary election or nominating convention, or for endorsement or election at any general or special election held in connection with the nomination or election of a person to fill such office, whether or not such persons are actually nominated, indorsed or elected."

"Every person who shall be a candidate for nomination at any primary election or nominating convention, or for election at any general or special election, as Representative in the Congress of the United States, shall, not less than ten nor more than fifteen days before the day for holding such primary election or nominating convention, and not less than ten nor more than fifteen days before the day of the general or special election at which candidates for Representatives are to be elected, file with the Clerk of the House of Representatives at Washington, District of Columbia, a full, correct, and itemized statement of all moneys and things of value received by him or by anyone for him with his knowledge and consent, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and consent, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made, for the purpose of procuring his nomination or election."

(Similar provisions for Senators, except that three statements must be filed — one for the primary campaign, one for the campaign in which he seeks the popular indorsement, either by direct vote or by the election of Representatives pledged to vote for him, and a third before the State legislature votes for the election of a Senator. Similarly statements both for Senator



and Representative must be filed 15 days after a primary, 30 days after a general election, and in the case of a Senator, 30 days after the State legislature has elected a Senator. Every such candidate must include a statement of any promises or pledges he has made to secure either a government office or private employment for any person in return for support for his candidacy.)

“No candidate for Representative in Congress or for Senator of the United States shall promise any office or position to any person, or to use his influence or to give his support to any person for any office or position for the purpose of procuring the support of such person or of any person, in his candidacy; nor shall any candidate for Senator of the United States give, contribute, expend, use, or promise any money or thing of value to assist in procuring the nomination or election of any particular candidate for the legislature of the State in which he resides, but such candidate may, within the limitations and restrictions and subject to the requirements of this act, contribute to political committees having charge of the disbursement of campaign funds.”

“No candidate for Representative in Congress or for Senator of the United States shall give, contribute, expend, use, or promise, or cause to be given, contributed, expended, used, or promised, in procuring his nomination or election, any sum in the aggregate, in excess of the amount which he may lawfully give, contribute, expend, or promise under the laws of the State in which he resides: *Provided*, that no candidate for Representative in Congress shall give, contribute, expend, use, or promise any sum, in the aggregate, exceeding five thousand dollars in any campaign for his nomination and election; and no candidate for Senator of the United States shall give, contribute, expend, use, or promise any sum in the aggregate, exceeding ten thousand dollars in any campaign for his nomination and election. *Provided further*, That money expended by any such candidate to meet and discharge any assess-

ment, fee, or charge made or levied upon candidates by the laws of the State in which he resides, or for his necessary personal expenses, incurred for himself alone, for travel and subsistence, stationery and postage, writing or printing (other than in newspapers), and distributing letters, circulars, and posters, and for telegraph and telephone service, shall not be regarded as an expenditure within the meaning of this section, and shall not be considered any part of the sum herein fixed as the limit of expense and need not be shown in the statements herein required to be filed." . . .

(Persons who are elected Senators or are candidates for the office, must file statements of any contributions they may have made to the campaign funds of members of the State legislature at a time when they were not candidates. All statements must be under oath.)

*Statutes of the United States*, 62d Congress, 1st Session, 1911, pp. 25-29.

#### QUESTIONS

What statements must be filed by candidates for nominations as Senators and Congressmen and by candidates for those offices? When must they be filed? Where? What promises made by candidates for Representative and Senator are illegal? What limitations are placed on the sums that Senators or Congressmen may spend for their nomination or election? What expenditures are excluded from those that count toward these sums?

#### LXX

### THE INAUGURAL ADDRESS OF PRESIDENT WOODROW WILSON, MARCH 4, 1913

The presidential campaign of 1912 marked the culmination of a discontent with the moral standards of our national political and economic life which had been growing for twenty years.

There was demand for a new social justice and for better political methods, and, forceful as it was, those who made it had scarcely come to an agreement as to the specific reforms fit to translate it into practice. All three of the great parties that contested the campaign claimed to be "progressive" in spirit, widely as the demands of their platforms differed. In the confusion and uncertainty that will, apparently, mark our politics for some time to come, the declaration of faith of the President-elect assumes an especial importance.

There has been a change of government. It began two years ago, when the House of Representatives became Democratic by a decisive majority. It has now been completed. The Senate about to assemble will also be Democratic. The offices of President and Vice President have been put into the hands of Democrats. What does the change mean? That is the question that is uppermost in our minds to-day. That is the question I am going to try to answer in order, if I may, to interpret the occasion.

It means much more than the mere success of a party. The success of a party means little except when the nation is using that party for a large and definite purpose. No one can mistake the purpose for which the nation now seeks to use the Democratic party. It seeks to use it to interpret a change in its own plans and point of view.

Some old things with which we had grown familiar, and which had begun to creep into the very habit of our thought and of our lives, have altered their aspect as we have latterly looked critically upon them, with fresh, awakened eyes; have dropped their disguises and shown themselves alien and sinister.

Some new things, as we look frankly upon them, willing to comprehend their real character, have come to assume the aspect of things long believed in and familiar, stuff of our own convictions. We have been refreshed by a new insight into our own life.

We see that in many things that life is very great. It is incomparably great in its material aspects, in its body of

wealth, in the diversity and sweep of its energy, in the industries which have been conceived and built up by the genius of individual men and the limitless enterprise of groups of men. It is great, also, very great, in its moral force.

Nowhere else in the world have noble men and women exhibited in more striking forms the beauty and the energy of sympathy and helpfulness and counsel in their effort to rectify wrong, alleviate suffering and set the weak in the way of strength and hope. We have built up, moreover, a great system of government, which has stood through a long age as in many respects a model for those who seek to set liberty upon foundations that will endure against fortuitous change, against storm and accident. Our life contains every great thing, and contains it in rich abundance.

But the evil has come with the good, and much fine gold has been corroded. With riches has come inexcusable waste. We have squandered a great part of what we might have used, and have not stopped to conserve the exceeding bounty of nature, without which our genius for enterprise would have been worthless and impotent, scorning to be careful, shamefully prodigal as well as admirably efficient.

We have been proud of our industrial achievements, but we have not hitherto stopped thoughtfully enough to count the human cost, the cost of lives snuffed out, of energies overtaxed and broken, the fearful physical and spiritual cost to the men and women and children upon whom the dead weight and burden of it all has fallen pitilessly the years through.

The groans and agony of it all had not yet reached our ears, the solemn, moving undertone of our life, coming up out of the mines and factories and out of every home where the struggle had its intimate and familiar seat. With the great government went many deep secret things which we too long delayed to look into and scrutinize with candid, fearless eyes. The great government we loved has too

often been made use of for private and selfish purposes, and those who used it had forgotten the people.

At last a vision has been vouchsafed us of our life as a whole. We see the bad with the good, the debased and decadent with the sound and vital. With this vision we approach new affairs. Our duty is to cleanse, to reconsider, to restore, to correct the evil without impairing the good, to purify and humanize every process of our common life without weakening or sentimentalizing it. There has been something crude and heartless and unfeeling in our haste to succeed and be great.

Our thought has been "Let every man look out for himself, let every generation look out for itself," while we reared giant machinery which made it impossible that any but those who stood at the levers of control should have a chance to look out for themselves. We had not forgotten our morals. We remembered well enough that we had set up a policy which was meant to serve the humblest as well as the most powerful, with an eye single to the standards of justice and fair play, and remembered it with pride. But we were very heedless and in a hurry to be great.

We have come now to the sober second thought. The scales of heedlessness have fallen from our eyes. We have made up our minds to square every process of our national life again with the standards we so proudly set up at the beginning and have always carried at our hearts. Our work is a work of restoration.

We have itemized with some degree of particularity the things that ought to be altered, and here are some of the chief items: A tariff which cuts us off from our proper part in the commerce of the world, violates the just principles of taxation, and makes the government a facile instrument in the hands of private interests; a banking and currency system based upon the necessity of the government to sell its bonds fifty years ago and perfectly adapted to concentrating cash and restricting credits; an industrial system, which, take it on all its sides, financial as well as ad-

ministrative, holds capital in leading strings, restricts the liberties and limits the opportunities of labor, and exploits without renewing or conserving the natural resources of the country; a body of agricultural activities never yet given the efficiency of great business undertakings or served as it should be through the instrumentality of science taken directly to the farm, or afforded the facilities of credit best suited to its practical needs; watercourses undeveloped, waste places unreclaimed, forests untended, fast disappearing without plan or prospect of renewal, unregarded waste heaps at every mine. We have studied, as perhaps no other nation has, the most effective means of production, but we have not studied cost or economy as we should either as organizers of industry, as statesmen or as individuals.

Nor have we studied and perfected the means by which government may be put at the service of humanity, in safeguarding the health of the nation, the health of its men and its women and its children, as well as their rights in the struggle for existence.

This is no sentimental duty. The firm basis of government is justice, not pity. These are matters of justice. There can be no equality of opportunity, the first essential of justice in the body politic, if men and women and children be not shielded in their lives, their very vitality, from the consequences of great industrial and social processes which they cannot alter, control or singly cope with.

Society must see to it that it does not itself crush or weaken or damage its own constituent parts. The first duty of law is to keep sound the society it serves. Sanitary laws, pure food laws, and laws determining conditions of labor which individuals are powerless to determine for themselves are intimate parts of the very business of justice and legal efficiency.

These are some of the things we ought to do, and not leave the others alone, the old-fashioned, never-to-be-neglected, fundamental safeguarding of property and of indi-

vidual right. This is the high enterprise of the new day: to lift everything that concerns our life as a nation to the light that shines from the hearthfire of every man's conscience and vision of the right.

It is inconceivable that we should do this as partisans; it is inconceivable we should do it in ignorance of the facts as they are or in blind haste. We shall restore, not destroy. We shall deal with our economic system as it is and as it may be modified, not as it might be if we had a clean sheet of paper to write upon; and step by step we shall make it what it should be, in the spirit of those who question their own wisdom and seek counsel and knowledge, not shallow self-satisfaction or the excitement of excursions whither they cannot tell. Justice, and only justice, shall always be our motto.

And yet it will be no cool process of mere science. The nation has been deeply stirred, stirred by a solemn passion, stirred by the knowledge of wrong, of ideals lost, of government too often debauched and made an instrument of evil. The feelings with which we face this new age of right and opportunity sweep across our heart-strings like some air out of God's own presence, where justice and mercy are reconciled and the judge and the brother are one. We know our task to be no mere task of politics, but a task which shall search us through and through, whether we be able to understand our time and the needs of our people, whether we be indeed their spokesman and interpreters, whether we have the pure heart to comprehend and the rectified will to choose our high course of action.

This is not a day of triumph; it is a day of dedication. Here muster, not the forces of party, but the forces of humanity. Men's hearts wait upon us; men's lives hang in the balance; men's hopes call upon us to say what we will do. Who shall live up to the great trust? Who dares fail to try? I summon all honest men, all patriotic, all forward-looking men, to my side. God helping me, I will not fail them, if they will but counsel and sustain me!







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